

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1659 Session of  
1991

INTRODUCED BY JOSEPHS, RITTER, DeWEESE, HECKLER, STETLER, VEON,  
HARLEY, ITKIN, BROUJOS, PISTELLA, STURLA, HARPER, KUKOVICH,  
RICHARDSON, LINTON AND CARN, JUNE 12, 1991

REFERRED TO COMMITTEE ON JUDICIARY, JUNE 12, 1991

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania  
2 Consolidated Statutes, changing reporting requirements for  
3 abortions when pregnancies are initiated by acts of rape or  
4 incest.

5 The General Assembly of the Commonwealth of Pennsylvania  
6 hereby enacts as follows:

7 Section 1. Section 3215(a), (c) and (j) of Title 18 of the  
8 Pennsylvania Consolidated Statutes are amended to read:

9 § 3215. Publicly owned facilities; public officials and public  
10 funds.

11 (a) Limitations.--No hospital, clinic or other health  
12 facility owned or operated by the Commonwealth, a county, a city  
13 or other governmental entity (except the government of the  
14 United States, another state or a foreign nation) shall:

15 (1) Provide, induce, perform or permit its facilities to  
16 be used for the provision, inducement or performance of any  
17 abortion except where necessary to avert the death of the  
18 woman or where necessary to terminate pregnancies initiated

1 by acts of rape or incest [if reported in accordance with  
2 requirements set forth in subsection (c)].

3 (2) Lease or sell or permit the subleasing of its  
4 facilities or property to any physician or health facility  
5 for use in the provision, inducement or performance of  
6 abortion, except abortion necessary to avert the death of the  
7 woman or to terminate pregnancies initiated by acts of rape  
8 or incest [if reported in accordance with requirements set  
9 forth in subsection (c)].

10 (3) Enter into any contract with any physician or health  
11 facility under the terms of which such physician or health  
12 facility agrees to provide, induce or perform abortions,  
13 except abortion necessary to avert the death of the woman or  
14 to terminate pregnancies initiated by acts of rape or incest  
15 [if reported in accordance with requirements set forth in  
16 subsection (c)].

17 \* \* \*

18 (c) Public funds.--No Commonwealth funds and no Federal  
19 funds which are appropriated by the Commonwealth shall be  
20 expended by any State or local government agency for the  
21 performance of abortion, except:

22 (1) When abortion is necessary to avert the death of the  
23 mother on certification by a physician. When such physician  
24 will perform the abortion or has a pecuniary or proprietary  
25 interest in the abortion there shall be a separate  
26 certification from a physician who has no such interest.

27 (2) When abortion is performed in the case of pregnancy  
28 caused by rape [which, prior to the performance of the  
29 abortion, has been reported, together with the identity of  
30 the offender, if known, to a law enforcement agency having

1 the requisite jurisdiction and has been personally reported  
2 by the victim].

3 (3) When abortion is performed in the case of pregnancy  
4 caused by incest [which, prior to the performance of the  
5 abortion, has been personally reported by the victim to a law  
6 enforcement agency having the requisite jurisdiction, or, in  
7 the case of a minor, to the county child protective service  
8 agency and the other party to the incestuous act has been  
9 named in such report].

10 \* \* \*

11 (j) Required statements.--No Commonwealth agency shall make  
12 any payment from Federal or State funds appropriated by the  
13 Commonwealth for the performance of any abortion pursuant to  
14 subsection (c)(2) or (3) unless the Commonwealth agency first[:

15 (1)] receives from the physician or facility seeking  
16 payment a statement signed by the physician performing the  
17 abortion stating that[, prior to performing the abortion, he  
18 obtained a non-notarized, signed statement from] the pregnant  
19 woman [stating that she] was a victim of rape or incest, as  
20 the case may be.[, and that she reported the crime, including  
21 the identity of the offender, if known, to a law enforcement  
22 agency having the requisite jurisdiction or, in the case of  
23 incest where a pregnant minor is the victim, to the county  
24 child protective service agency and stating the name of the  
25 law enforcement agency or child protective service agency to  
26 which the report was made and the date such report was made.

27 (2) receives from the physician or facility seeking  
28 payment, the signed statement of the pregnant woman which is  
29 described in paragraph (1).] The statement shall bear the  
30 notice that any false statements made therein are punishable

1 by law. [and shall state that the pregnant woman is aware  
2 that false reports to law enforcement authorities are  
3 punishable by law; and

4 (3) verifies with the law enforcement agency or child  
5 protective service agency named in the statement of the  
6 pregnant woman whether a report of rape or incest was filed  
7 with the agency in accordance with the statement.]

8 The Commonwealth agency shall report any evidence of false  
9 statements[, of false reports to law enforcement authorities] or  
10 of fraud in the procurement or attempted procurement of any  
11 payment from Federal or State funds appropriated by the  
12 Commonwealth pursuant to this section to the district attorney  
13 of appropriate jurisdiction and, where appropriate, to the  
14 Attorney General.

15 Section 2. This act shall take effect immediately.