

CO-SPONSORSHIP MEMORANDUM

To: All Legislators

From: Reps. Lisa Subeck, Chris Taylor, JoCasta Zamarripa, Jimmy Anderson, Jill Billings, David Bowen, Jonathan Brostoff, Dave Considine, David Crowley, Jodi Emerson, Jason Fields, Dianne Hesselbein, Gordon Hintz, Deb Kolste, Beth Meyers, LaKeshia Myers, Nick Milroy, Greta Neubauer, Tod Ohnstad, Sondy Pope, Melissa Sargent, Katrina Shankland, Chris Sinicki, Mark Spreitzer, Shelia Stubbs, and Amanda Stuck

Senators Fred Risser, LaTonya Johnson, Janet Bewley, Tim Carpenter, Jon Erpenbach, Chris Larson, Mark Miller, Janis Ringhand, Jen Shilling, Jeff Smith, and Lena Taylor

Date: Tuesday, June 4th

RE: Co-sponsorship of the Abortion Access Protection Act

Deadline: Tuesday, June 18th at 5:00PM

Wisconsin is one of only 9 states with a statute criminalizing abortion still on the books over 45 years after *Roe v. Wade* made this criminal ban unenforceable. If *Roe* were to be overturned, however, Wisconsin's law would once again take effect and abortion would immediately become a criminal offense in our state, meaning physicians who provide abortion could be charged with a felony and face up to six years in prison.

Given recent appointments to the Supreme Court and the President's stated commitment to appointing justices who would overturn *Roe v. Wade*, as well as recent actions in states like Alabama and Missouri, the threat to legal abortion is the greatest since *Roe* was decided in 1973. We are now witnessing a coordinated campaign to ban abortion outright. We need to make sure this does not happen here and that Wisconsin women are able to make their own personal health care decisions based on what is best for their health and well-being.

The Abortion Access Protection Act recognizes that providing abortion is health care, not criminal activity. The bill modernizes Wisconsin's archaic abortion law so that the state treats abortion care like all health care, with regulations that reflect current medical standards.

If you are interested in co-sponsoring LRB-3297, please contact Mike in Rep. Subeck's office (6-7521) or respond to this email by **5:00PM on Tuesday, June 18th.**

Analysis by the Legislative Reference Bureau

This bill repeals a statute relating to abortion that has been held unenforceable by a federal court. Under that statute, any person, other than the mother, who intentionally destroys the life of an unborn child is guilty of a Class H felony.

“Unborn child” is defined as a human being from the time of conception until born alive. Also, any person, other than the mother, who intentionally destroys the life of an unborn quick child or causes the mother's death by an act done with intent to destroy the life of an unborn child is guilty of a Class E felony. None of these penalties apply to a therapeutic abortion that is performed by a physician; is necessary, or advised by two other physicians as necessary, to save the life of the mother; and, unless an emergency prevents, is performed in a licensed maternity hospital.

The statute was cited in *Roe v. Wade*, 410 U.S. 113 (1973), as similar to a Texas statute that was held to violate the due process clause of the 14th Amendment of the U.S. Constitution. The unenforceability of the statute following the *Roe v. Wade* decision was noted in a subsequent decision by a federal district court, *Larkin v. McCann*, 368 F. Supp. 1352 (E.D. Wis., 1974).