



Support HB 2709 and SB 2198:

TO  
**ABOLISH  
ABORTION**  
BY PROVIDING EQUAL PROTECTION OF  
THE LAWS TO PREBORN CHILDREN

*Abortions in Texas Continue*

- As of February 2023, since the 2021 Texas Heartbeat Bill and 2022 *Dobbs* decision, studies indicate that overall abortions for Texas women have at most declined by only 5.4% roughly (52,177 estimated annually down from 55,175 in 2020). Of these, an annual estimate of 32,916 (63%) take place at out-of-state clinics, while 19,260 (37%) take place in Texas using abortion pills ordered online.<sup>1</sup>
  - According to the New York Times, “As states banned or restricted abortion [after *Dobbs*], the number of American women ordering abortion pills from overseas jumped significantly—enough to offset most of the drop in legal abortions. Overall, abortion in the United States declined about 2 percent...”<sup>2</sup>

*Republican Party Priority*

- The Abolition of Abortion legislative priority of the Republican Party of Texas (RPT) calls upon the 88th Legislature to “Abolish abortion by ensuring the right to life and equal protection of the laws to all preborn children from the moment of fertilization, including adopting effective tools to ensure the enforcement of our laws to protect life when district attorneys fail to do so.”
- RPT principles state, “We believe in the sanctity of innocent human life, created in the image of God, which should be equally protected from fertilization to natural death.”
- The RPT platform states, “Equal Protection for the Preborn: We urge lawmakers to enact legislation to abolish abortion by immediately securing the right to life and equal protection of the laws to all preborn children from the moment of fertilization, because abortion violates the U.S.

Constitution by denying such persons the equal protection of the law.” (Plank 36).

*Stop Denying Equal Protection*

- The 14th Amendment of the U.S. Constitution provides, “No state shall... deny to any person within its jurisdiction the equal protection of the laws.”
- The failure of Texas’ pre-1973 laws to provide equal protection is the leading reason why we lost *Roe v. Wade*. As the Court said then, “When Texas urges that a fetus is entitled to Fourteenth Amendment protection as a person, it faces a dilemma... If the fetus is a person, why is the woman not a principal or an accomplice?... If the fetus is a person, may the penalties be different?” 410 U.S. 113, 157-58 n. 54 (1973).

*Follow God’s Word*

- “So whatever you wish that others would do to you, do also to them, for this is the Law and the Prophets.” The Golden Rule. Matthew 7:12.
- “You shall love your neighbor as yourself.” Mark 12:31.
- “You shall not be partial in judgment.” Deuteronomy 1:17
- If we truly believe that a fetus is a person made in the image of God, then to be consistent with the Constitution and God’s word the laws which protect human beings who are born must equally protect those who are not yet born.

**Please support HB 2709 and SB 2198.**

View this information, a section-by-section explanation of the bill, plus links to the bill, Rep. Slaton’s press release, and our press release, at <https://faa.life/texas-2023-hb2709>



## FREQUENTLY ASKED QUESTIONS

**Does the bill criminalize women?** No. The bill criminalizes the act of knowingly and willfully causing the death of a preborn child.

To deter such conduct and to provide equal protection of the laws, **the bill does prohibit everyone, including pregnant mothers, from engaging in the unlawful act of prenatal homicide.**

Once the bill is passed and becomes effective, the justice system would determine on a case-by-case basis whether any report of suspected prenatal homicide would be investigated and prosecuted and for what charge, and whether anyone would be convicted and sentenced. This justice system includes:

- Law enforcement
- Prosecutors
- Grand juries
- Trial juries
- Judges
- Multiple appellate courts
- The governor

All defendants would have the right to an attorney, the right to remain silent, and all other constitutionally required due process. The state would bear the burden of proving its case beyond a reasonable doubt.

Finally, before any sentence could be imposed upon any defendant, the people participating in that justice system process would be required to be in nearly unanimous agreement that the process and outcome were just.

**Didn't the Human Life Protection Act (the "trigger bill") already effectively outlaw abortion in Texas?** Sadly, no. It only outlawed assisted abortions.

The Human Life Protection Act allows pregnant mothers to "self-manage" their own abortions. **This also means that, up to a point, it remains legal for others to pressure pregnant mothers into aborting their babies.**

Women in Texas are now obtaining abortion pills to perform DIY abortions at home.

**Would the bill ban contraceptives?** No. The bill does not ban true contraceptives (i.e. drugs or devices to prevent fertilization). The bill would ban the use of abortifacients after fertilization if knowingly and willfully used to cause the death of the child.

**Could anyone who has been involved with an abortion in the past be prosecuted?** No. Section 5 of the bill explicitly prohibits retroactive enforcement, as do the Texas and U.S. constitutions.

**Could the bill punish women who have had miscarriages?** No. Nothing in the bill would in any way apply to accidental or natural deaths.

**Could a mother forced into an abortion be convicted?** No. Section 2 incorporates all of the Texas Penal Code, including Section 8.05. A mother forced into an abortion by duress is not subject to criminal liability. Instead, the bill would allow for prosecution of the person who forced or pressured her.

**Would the bill allow doctors to deal with life-threatening medical emergencies like ectopic pregnancies?** Yes. Section 3 explicitly allows for that.

Footnote 1: See Aiken, Abigail RA, Jennifer E. Starling, James G. Scott, and Rebecca Gomperts. "Requests for self-managed medication abortion provided using online telemedicine in 30 US states before and after the *Dobbs v Jackson Women's Health Organization* decision." *JAMA* 328, no. 17 (2022): 1768-1770. See also White, K., A. Dane'el, E. Vizcarra, L. Dixon, K. Lerma, A. Beasley, J. E. Potter, and T. Ogburn. "Out-of-state travel for abortion following implementation of Texas Senate Bill 8." *Tex Policy Eval Proj* (2022).

Footnote 2: <https://www.nytimes.com/2022/11/01/upshot/abortion-pills-mail-overseas.html>