



ARIZONA LAWMAKERS VOTE TO UNDO NEAR- TOTAL ABORTION BAN FROM 1864, WITH GOV. HOBBS EXPECTED TO SIGN - ASSOCIATED PRESS

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Photo: Arizona state senator Shawwna Bolick, R-District 2, speaks, Wednesday, May 1, 2024, at the Capitol in Phoenix

The Arizona Legislature approved a repeal of a long-dormant ban on nearly all abortions Wednesday, sending the bill to Democratic Gov. Katie Hobbs, who is expected to sign it.

Two Republicans joined with Democrats in the Senate on the 16-14 vote in favor of repealing a Civil War-era ban on abortions that the state's highest court recently allowed to take effect. The ban on all abortions — which provides no exceptions for survivors of rape or incest, and only allows for procedures done to save a patient's life — would still be active until the fall.

Hobbs said in a statement that she looks forward to quickly signing the repeal, with a ceremony scheduled for Thursday.

"Arizona women should not have to live in a state where politicians make decisions that should be between a woman and her doctor," Hobbs said. "While this repeal is essential for protecting women's lives, it is just the beginning of our fight to protect reproductive healthcare."

The revival of the 19th century law has put Republicans on the defensive in Arizona, one of a handful of battleground states that will decide the next president.

"Across the country, women are living in a state of chaos and cruelty caused by Donald Trump," Vice President Kamala Harris said in a statement on Wednesday. "While Arizona Democrats have worked to clean up the devastating mess created by Trump and his extremist allies, the state's existing ban, with no exception for rape or incest, remains in effect."

If the repeal bill is signed, a 2022 statute banning the procedure after 15 weeks of pregnancy would become Arizona's prevailing abortion law. Still, there would likely be a period when nearly all abortions would be outlawed, because the repeal won't take effect until 90 days after the end of the legislative session, likely in June or July.

Within hours after the vote, efforts were already under way to prevent the older abortion ban from taking effect before the repeal becomes a reality.

"Without an emergency clause that would allow the repeal to take effect immediately, the people of Arizona may still be subjected to the near-total abortion ban for a period of time this year," Arizona state Attorney General Kris Mayes said. "Rest assured, my office is exploring every option available to prevent this outrageous 160-year-old law from ever taking effect."

Planned Parenthood Arizona announced it filed a motion Wednesday afternoon asking the state Supreme Court to prevent a pause in abortion services until the Legislature's repeal takes effect.

The near-total ban on abortions predates Arizona's statehood. In a ruling last month, the Arizona Supreme Court suggested doctors could be prosecuted under the 1864 law, which says that anyone who assists in an abortion can be sentenced to two to five years in prison. Then, last week, the repeal bill narrowly cleared the Arizona House.

Voting on the bill stretched more than an hour on Wednesday, amid impassioned speeches.

"This is about the Civil War-era ban that criminalizes doctors and makes virtually all abortions illegal," said Democratic state Sen. Eva Burch. "We're here to repeal a bad law. I don't want us honoring laws about women written during a time when women were forbidden from voting because their voices were considered inferior to men."

Burch made public on the Senate floor in March that she had a non-viable pregnancy and was going to have an abortion. She warned supporters of reproductive rights on Wednesday that they could not yet rest easy, even after the repeal is signed.

"They are going to use every tool in the toolbox to try to do whatever it is they can to interfere with the repeal of this ban," she said.

There were numerous disruptions from people in Senate gallery, as Republican state Sen. Shawna Bolick explained her vote in favor of repeal, joining with Democrats.

Bolick appeared to argue that a repeal would guard against extreme ballot initiatives from abortion rights advocates. She is married to state Supreme Court Justice Clint Bolick, who voted to allow a 1864 law on abortion to be enforced again.

"I want to protect our state constitution from unlimited abortions," the senator said. "I am here to protect more babies. I vote aye."

Advocates on both sides of the abortion issue flocked to the Arizona Senate to vocalize their views.

A school-age girl kneeled in prayer in front of a statue of the Virgin Mary, while a man with a megaphone shouted at passersby to repent.

Former President Donald Trump, who has warned that the issue could lead to Republican losses, has avoided endorsing a national abortion ban but said he's proud to have appointed the Supreme Court justices who allowed states to outlaw it.

The Arizona law had been blocked since the U.S. Supreme Court's 1973 Roe v. Wade decision guaranteed the constitutional right to an abortion nationwide.

When Roe v. Wade was overturned in June 2022 though, then-Arizona Attorney General Mark Brnovich, a Republican, persuaded a state judge that the 1864 ban could again be enforced. Still, the law hasn't actually been enforced while the case was making its way through the courts. Mayes, who succeeded Brnovich, urged the state's high court against reviving the law.

Planned Parenthood officials have said they will reinforce networks that help patients travel out of state to access abortion in places like New Mexico and California.

Advocates are collecting signatures for a ballot measure allowing abortions until a fetus could survive outside the womb, typically around 24 weeks, with exceptions — to save the parent's life, or to protect her physical or mental health.

Republican lawmakers, in turn, are considering putting one or more competing abortion proposals on the November ballot.