

## S 3

### Partial-Birth Abortion Ban Act of 2003

**Congress:** 108 (2003–2005, Ended)

**Chamber:** Senate

**Policy Area:** Crime and Law Enforcement

**Introduced:** Feb 14, 2003

**Current Status:** Became Public Law No: 108-105.

**Latest Action:** Became Public Law No: 108-105. (Nov 5, 2003)

**Law:** 108-105 (Enacted Nov 5, 2003)

**Official Text:** <https://www.congress.gov/bill/108th-congress/senate-bill/3>

### Sponsor

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**Name:** Sen. Santorum, Rick [R-PA]

**Party:** Republican • **State:** PA • **Chamber:** Senate

**Cosponsors** (45 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Allard, Wayne [R-CO]	R · CO		Feb 14, 2003
Sen. Allen, George [R-VA]	R · VA		Feb 14, 2003
Sen. Bennett, Robert F. [R-UT]	R · UT		Feb 14, 2003
Sen. Bond, Christopher S. [R-MO]	R · MO		Feb 14, 2003
Sen. Brownback, Sam [R-KS]	R · KS		Feb 14, 2003
Sen. Bunning, Jim [R-KY]	R · KY		Feb 14, 2003
Sen. Campbell, Ben Nighthorse [R-CO]	R · CO		Feb 14, 2003
Sen. Chambliss, Saxby [R-GA]	R · GA		Feb 14, 2003
Sen. Coleman, Norm [R-MN]	R · MN		Feb 14, 2003
Sen. Cornyn, John [R-TX]	R · TX		Feb 14, 2003
Sen. Craig, Larry E. [R-ID]	R · ID		Feb 14, 2003
Sen. DeWine, Mike [R-OH]	R · OH		Feb 14, 2003
Sen. Dole, Elizabeth [R-NC]	R · NC		Feb 14, 2003
Sen. Domenici, Pete V. [R-NM]	R · NM		Feb 14, 2003
Sen. Ensign, John [R-NV]	R · NV		Feb 14, 2003
Sen. Enzi, Michael B. [R-WY]	R · WY		Feb 14, 2003
Sen. Fitzgerald, Peter [R-IL]	R · IL		Feb 14, 2003
Sen. Frist, William H. [R-TN]	R · TN		Feb 14, 2003
Sen. Graham, Lindsey [R-SC]	R · SC		Feb 14, 2003
Sen. Grassley, Chuck [R-IA]	R · IA		Feb 14, 2003
Sen. Gregg, Judd [R-NH]	R · NH		Feb 14, 2003
Sen. Hagel, Chuck [R-NE]	R · NE		Feb 14, 2003
Sen. Hatch, Orrin G. [R-UT]	R · UT		Feb 14, 2003
Sen. Inhofe, James M. [R-OK]	R · OK		Feb 14, 2003
Sen. Kyl, Jon [R-AZ]	R · AZ		Feb 14, 2003
Sen. Lott, Trent [R-MS]	R · MS		Feb 14, 2003
Sen. Lugar, Richard G. [R-IN]	R · IN		Feb 14, 2003
Sen. McCain, John [R-AZ]	R · AZ		Feb 14, 2003
Sen. McConnell, Mitch [R-KY]	R · KY		Feb 14, 2003
Sen. Nickles, Don [R-OK]	R · OK		Feb 14, 2003
Sen. Roberts, Pat [R-KS]	R · KS		Feb 14, 2003
Sen. Sessions, Jeff [R-AL]	R · AL		Feb 14, 2003
Sen. Shelby, Richard C. [R-AL]	R · AL		Feb 14, 2003
Sen. Smith, Gordon H. [R-OR]	R · OR		Feb 14, 2003
Sen. Talent, Jim [R-MO]	R · MO		Feb 14, 2003
Sen. Thomas, Craig [R-WY]	R · WY		Feb 14, 2003
Sen. Voinovich, George V. [R-OH]	R · OH		Feb 14, 2003
Sen. Warner, John [R-VA]	R · VA		Feb 14, 2003
Sen. Cochran, Thad [R-MS]	R · MS		Feb 24, 2003
Sen. Crapo, Mike [R-ID]	R · ID		Feb 24, 2003
Sen. Sununu, John E. [R-NH]	R · NH		Feb 24, 2003

Cosponsor	Party / State	Role	Date Joined
Sen. Miller, Zell [D-GA]	D · GA		Feb 25, 2003
Sen. Alexander, Lamar [R-TN]	R · TN		Mar 3, 2003
Sen. Nelson, Ben [D-NE]	D · NE		Mar 7, 2003
Sen. Murkowski, Lisa [R-AK]	R · AK		Mar 11, 2003

Committee Activity

Committee	Chamber	Activity	Date
Judiciary Committee	House	Bills of Interest - Exchange of Letters	Dec 15, 2003

Subjects & Policy Tags

Policy Area:

Crime and Law Enforcement

Related Bills

Bill	Relationship	Last Action
108 HRES 383	Procedurally related	Oct 2, 2003: Motion to reconsider laid on the table Agreed to without objection.
108 HR 760	Procedurally related	Jun 4, 2003: Laid on the table. See S. 3 for further action.

Summary (as of Nov 5, 2003)

(This measure has not been amended since the Conference Report was filed in the House on September 30, 2003. The summary of that version is repeated here.)

Partial-Birth Abortion Ban Act of 2003 - Amends the Federal criminal code to prohibit any physician or other individual from knowingly performing a partial-birth abortion, except when necessary to save the life of a mother whose life is endangered by a physical disorder, illness, or injury.

Defines a "partial-birth abortion" as an abortion in which the person performing the abortion: (1) deliberately and intentionally vaginally delivers a living fetus until, in the case of a head-first presentation, the entire fetal head is outside the mother's body, or, in the case of a breech presentation, any part of the fetal trunk past the navel is outside the mother's body; and (2) performs the overt act, other than completion of delivery, that kills the partially delivered living fetus.

Authorizes the father, if married to the mother at the time of the abortion, and the maternal grandparents of the fetus, if the mother is under 18 years of age, to obtain specified relief in a civil action, unless the pregnancy resulted from the plaintiff's criminal conduct or the plaintiff consented to the abortion.

Authorizes a defendant accused of an offense under this Act to seek a hearing before the State Medical Board on whether the physician's conduct was necessary to save the life of the mother.

Prohibits the prosecution of a woman upon whom a partial-birth abortion is performed for conspiracy to violate this Act or under provisions regarding punishment as a principal or an accessory or for concealment of a felony.

## Actions Timeline

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- **Nov 5, 2003:** Signed by President.
- **Nov 5, 2003:** Signed by President.
- **Nov 5, 2003:** Became Public Law No: 108-105.
- **Nov 5, 2003:** Became Public Law No: 108-105.
- **Oct 28, 2003:** Presented to President.
- **Oct 28, 2003:** Presented to President.
- **Oct 22, 2003:** Message on Senate action sent to the House.
- **Oct 21, 2003:** Conference report considered in Senate. (consideration: CR S12914-12948)
- **Oct 21, 2003:** Conference report agreed to in Senate: Senate agreed to conference report by Yea-Nay Vote. 64 - 34. Record Vote Number: 402.
- **Oct 21, 2003:** Senate agreed to conference report by Yea-Nay Vote. 64 - 34. Record Vote Number: 402.
- **Oct 2, 2003:** Rule H. Res. 383 passed House.
- **Oct 2, 2003:** Mr. Sensenbrenner brought up conference report H. Rept. 108-288 for consideration under the provisions of H. Res. 383. (consideration: CR H9142-9155)
- **Oct 2, 2003:** DEBATE - The House proceeded with one hour of debate on the conference report to accompany S. 3.
- **Oct 2, 2003:** The previous question was ordered without objection.
- **Oct 2, 2003:** Conference report agreed to in House: On agreeing to the conference report Agreed to by the Yeas and Nays: 281 - 142 (Roll no. 530).(consideration: CR H9155)
- **Oct 2, 2003:** Motions to reconsider laid on the table Agreed to without objection.
- **Oct 2, 2003:** On agreeing to the conference report Agreed to by the Yeas and Nays: 281 - 142 (Roll no. 530). (consideration: CR H9155)
- **Oct 2, 2003:** Conference papers: message on House action held at the desk in Senate.
- **Oct 1, 2003:** Rules Committee Resolution H. Res. 383 Reported to House. Rule provides for consideration of the conference report to S. 3. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read when called up for consideration.
- **Sep 30, 2003:** Conference report filed: Conference report H. Rept. 108-288 filed.(text of conference report: CR H8991-8996)
- **Sep 30, 2003:** Conference report H. Rept. 108-288 filed. (text of conference report: CR H8991-8996)
- **Sep 30, 2003:** Conference papers: Senate report and manager's statement held at the desk in Senate.
- **Sep 30, 2003:** Conference committee actions: Conferees agreed to file conference report.
- **Sep 30, 2003:** Conferees agreed to file conference report.
- **Sep 25, 2003:** The Speaker appointed conferees: Chabot and Lofgren.
- **Sep 23, 2003:** Message on Senate action sent to the House.
- **Sep 22, 2003:** Senate appointed conferees Hatch, DeWine, Santorum, Feinstein, Boxer.
- **Sep 17, 2003:** Motion to disagree to House amendment to Senate bill agreed to by Yea-Nay Vote. 93 - 0. Record Vote Number: 351. (consideration: CR S11589-11601, S11614-11620)
- **Sep 17, 2003:** Under authority of the order of July 30, 2003, Senate disagreed to House amendment to the Senate bill and agreed to request for conference.
- **Jun 5, 2003:** Message on House action received in Senate and at desk: House amendment to Senate bill and House requests a conference.
- **Jun 4, 2003:** Considered under the provisions of rule H. Res. 257. (consideration: CR H4951-4953)
- **Jun 4, 2003:** Rule provides for consideration of H.R. 760 with 1 hour of general debate. Previous question shall be considered as ordered without intervening motions except motion to recommit. Section 2 of the rule provides that after passage of H.R. 760, it shall be in order to take from the Speaker's table S. 3, the Partial-Birth Abortion Act of 2003, and to consider the Senate bill in the House. The rule further provides for a motion to strike all after the enacting clause of S. 3 and to insert in lieu thereof the provisions of H.R. 760 as passed by the House and waives all points of order against the motion to strike and insert. Measure will be considered read. A specified amendment is in order.
- **Jun 4, 2003:** The House struck all after the enacting clause and inserted in lieu thereof the provisions of a similar measure H.R. 760. Agreed to without objection.
- **Jun 4, 2003:** Passed/agreed to in House: On passage Passed without objection.(text: CR H4951-4953)
- **Jun 4, 2003:** On passage Passed without objection. (text: CR H4951-4953)

- **Jun 4, 2003:** Motion to reconsider laid on the table Agreed to without objection.
- **Jun 4, 2003:** A similar measure H.R. 760 was laid on the table without objection.
- **Jun 4, 2003:** Mr. Sensenbrenner moved that the House insist upon its amendment, and request a conference.
- **Jun 4, 2003:** On motion that the House insist upon its amendment, and request a conference Agreed to by voice vote.
- **Jun 4, 2003:** Mr. Nadler moved that the House instruct conferees. (consideration: CR H4953; text: CR H4953)
- **Jun 4, 2003:** DEBATE - The House proceeded with one hour of debate on the motion to instruct conferees. The instructions contained in the motion seek to require that the managers on the part of the House insist that (1) the committee of conference allow opportunity for members of the committee of conference to offer and debate amendments at all meetings of such conference; and (2) all meetings of the committee of conference (A) be open to the public and to the print and electronic media; and (B) be held in venues selected to maximize the capacity for attendance of the public and the media.
- **Jun 4, 2003:** The previous question was ordered without objection.
- **Jun 4, 2003:** On motion that the House instruct conferees Agreed to by voice vote.
- **Jun 4, 2003:** Motion to reconsider laid on the table Agreed to without objection.
- **Jun 4, 2003:** The Speaker appointed conferees - from the Committee on the Judiciary for consideration of the Senate bill and the House amendment, and modifications committed to conference: Sensenbrenner, Hyde, and Nadler.
- **Mar 13, 2003:** Considered by Senate. (consideration: CR S3653-3662)
- **Mar 13, 2003:** Passed/agreed to in Senate: Passed Senate with an amendment by Yea-Nay Vote. 64 - 33. Record Vote Number: 51.(text of measure as passed Senate: CR S3658-3660)
- **Mar 13, 2003:** Passed Senate with an amendment by Yea-Nay Vote. 64 - 33. Record Vote Number: 51. (text of measure as passed Senate: CR S3658-3660)
- **Mar 13, 2003:** Message on Senate action sent to the House.
- **Mar 13, 2003:** Received in the House.
- **Mar 13, 2003:** Held at the desk.
- **Mar 12, 2003:** Considered by Senate. (consideration: CR S3560-3614)
- **Mar 12, 2003:** Motion by Senator Boxer to commit to Senate Committee on the Judiciary with instructions made in Senate.
- **Mar 12, 2003:** Motion by Senator Boxer to commit to Senate Committee on the Judiciary with instructions rejected in Senate by Yea-Nay Vote. 42 - 56. Record Vote Number: 47.
- **Mar 11, 2003:** Considered by Senate. (consideration: CR S3422-3429, S3454, S3456-3463, S3482-3494)
- **Mar 10, 2003:** Measure laid before Senate by unanimous consent. (consideration: CR S3383-3389, S3390-3399)
- **Feb 24, 2003:** Read the second time. Placed on Senate Legislative Calendar under General Orders. Calendar No. 19.
- **Feb 14, 2003:** Introduced in Senate
- **Feb 14, 2003:** Sponsor introductory remarks on measure. (CR S2522-2523)
- **Feb 14, 2003:** Introduced in the Senate. Read the first time. Placed on Senate Legislative Calendar under Read the First Time.