

**WITHDRAWN**

Senator Carter of the 42nd offered the following amendment:

1 *Amend the Senate Rules Committee substitute to SB 210 (LC 28 5680S) by revising lines 5*  
 2 *and 6 as follows:*

3 evidence; to provide for related matters; to provide for an effective date and contingent  
 4 effective date and applicability; to provide for automatic repeal under certain circumstances;  
 5 to repeal conflicting laws; and for other purposes.

6 *By replacing line 8 with the following:*

7 **PART I**  
 8 **SECTION 1-1.**

9 *By inserting between lines 35 and 36 the following:.*

10 **PART II**  
 11 **SECTION 2-1.**

12 If HB 24, substantially revising, superseding, and modernizing provisions relating to  
 13 evidence during the 2011-2012 biennium of the General Assembly is enacted, Chapter 1 of  
 14 Title 51 of the Official Code of Georgia Annotated, relating to general provisions regarding  
 15 torts, is amended by adding a new Code section to read as follows :

16 "51-1-52.

17 (a) As used in this Code section, the term:

18 (1) 'Full value of the life of the unborn child' shall have the same meaning as 'full value  
 19 of the life of the decedent as shown by the evidence' in Code Section 51-4-1.

20 (2) 'Homicide' shall have the same meaning as defined in Code Section 51-4-1.

21 (3) 'Unborn child' shall have the same meaning as provided in Code Section 16-5-80.

22 (b) Any female upon whom an abortion is performed in violation of Code Section  
 23 15-11-112, 15-11-116, 16-12-140, 31-9A-3, or 31-9A-5 or subsection (b) or (c) of Code  
 24 Section 16-12-141 may recover in a civil action from the person who engaged in such  
 25 violation all damages available to her under Georgia law for any tort.

26 (c) In every case of the homicide of a unborn child resulting from a violation as described  
 27 in subsection (b) of this Code section, there shall be some party entitled to recover the full  
 28 value of the life of the unborn child, either as provided in Chapter 4 of this title or as  
 29 provided in paragraphs (1) through (3) and paragraph (6) of subsection (c) of Code Section  
 30 19-7-1 by substituting the word 'unborn' for the word 'child' where it appears in the

31 referenced paragraphs. In actions for recovery of the full value of the life of the unborn  
 32 child, the fact that such child was conceived out of wedlock shall be no bar to recovery.  
 33 (d) Any female upon whom an abortion is performed shall not be held liable as a result of  
 34 having an abortion or for any violation of Code Section 15-11-112, 15-11-116, 16-12-140,  
 35 31-9A-3, or 31-9A-5 or subsection (b) or (c) of Code Section 16-12-141 or for solicitation  
 36 or for conspiracy to violate Code Section 15-11-112, 15-11-116, 16-12-140, 31-9A-3, or  
 37 31-9A-5 or subsection (b) or (c) of Code Section 16-12-141.  
 38 (e) Notwithstanding the provisions of Chapter 3 of Title 24, the testimony of a witness or  
 39 the ability to introduce evidence shall not be limited or impaired by virtue of any document  
 40 the female upon whom an abortion is performed signed in connection with such abortion."

41 *By replacing lines 36 through 40 as follows:*

42 **PART III**

43 **SECTION 3-1.**

44 (a) Parts I and III of this Act shall become effective upon its approval by the Governor or  
 45 upon its becoming law without such approval and shall apply to all causes of action arising  
 46 on or after the effective date of this Act, except as otherwise provided by subsection (b) of  
 47 this section.

48 (b)(1) Part II of this Act shall become effective only if HB 24, substantially revising,  
 49 superseding, and modernizing provisions relating to evidence, is enacted during the  
 50 2011-2012 biennium of the General Assembly and becomes law on or before January 1,  
 51 2013, in which case Part II of this Act shall become effective on the same date that said  
 52 HB 24 becomes effective and shall apply to all causes of action arising on or after the  
 53 effective date of this Act.

54 (2) Part I of this Act shall stand repealed if and when Part II of this Act becomes  
 55 effective as provided by paragraph (1) of this subsection.

56 (3) If said HB 24 does not become law on or before January 1, 2013, as provided by  
 57 paragraph (1) of this subsection, then Part II of this Act shall stand repealed on January 1,  
 58 2013.

59 **SECTION 3-2**