



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HOUSE JOINT RESOLUTION

CONSTITUTIONAL AMENDMENT

HC0016

Introduced 10/25/2023, by Rep. David Friess

SYNOPSIS AS INTRODUCED:

ILCON Art. XIII, Sec. 9 new

Proposes to amend the General Provisions Article of the Illinois Constitution. Provides that no person shall knowingly perform an abortion upon a minor or any person under legal disability, as defined, unless the person or his or her agent has: (1) given at least 48 hours' actual notice of his or her intention to perform the abortion to an adult family member or legal guardian of the pregnant person; or (2) received a written statement by a referring physician certifying that the referring physician, or his or her agent, has given at least 48 hours' actual notice to an adult family member or legal guardian of the pregnant person. Sets forth circumstances under which notice is not required. Effective upon being declared adopted.

LRB103 34785 KTG 64636 e

1 HOUSE JOINT RESOLUTION
 2 CONSTITUTIONAL AMENDMENT

3 RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE ONE
 4 HUNDRED THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE
 5 SENATE CONCURRING HEREIN, that there shall be submitted to the
 6 electors of the State for adoption or rejection at the general
 7 election next occurring at least 6 months after the adoption
 8 of this resolution a proposition to amend the Illinois
 9 Constitution in Article XIII by adding Section 9 as follows:

10 ARTICLE XIII
 11 GENERAL PROVISIONS

12 (ILCON Art. XIII, Sec. 9 new)

13 SECTION 9. PARENTAL NOTIFICATION

14 (a) As used in this Section:

15 "Abortion" means the use of any instrument, medicine,
 16 drug, or any other substance or device to terminate the
 17 pregnancy of a woman known to be pregnant with an intention
 18 other than to increase the probability of a live birth, to
 19 preserve the life or health of a child after live birth, or to
 20 remove a dead fetus.

21 "Actual notice" means the giving of notice directly, in
 22 person, or by telephone.

23 "Adult family member" means a person over 21 years of age

1 who is the parent, grandparent, step-parent living in the
2 household, or legal guardian.

3 "Constructive notice" means notice by certified mail to
4 the last known address of the person entitled to notice with
5 delivery deemed to have occurred 48 hours after the certified
6 notice is mailed.

7 "Medical emergency" means a condition that, on the basis
8 of the physician's good faith clinical judgment, so
9 complicates the medical condition of a pregnant woman as to
10 necessitate the immediate abortion of her pregnancy to avert
11 her death or for which a delay will create serious risk of
12 substantial and irreversible impairment of major bodily
13 function.

14 "Minor" means any person under 18 years of age who is not
15 or has not been married or who has not been emancipated as
16 prescribed by law.

17 "Neglect" means the failure of an adult family member to
18 supply a minor with necessary food, clothing, shelter, or
19 medical care when reasonably able to do so or the failure to
20 protect a minor from conditions or actions that imminently and
21 seriously endanger the minor's physical or mental health when
22 reasonably able to do so.

23 "Physical abuse" means any physical injury intentionally
24 inflicted by an adult family member on a minor.

25 "Physician" means any person licensed in this State to
26 practice medicine in all its branches.

1 "Person under legal disability" means a person 18 years of
2 age or older who has been adjudged by a court to be a person
3 with a mental illness or a person with a developmental
4 disability and who because of his or her mental illness or
5 developmental disability is not fully able to manage his or
6 her person or estate, and for whom a guardian of the person has
7 been appointed as prescribed by law.

8 "Sexual abuse" means any sexual conduct or sexual
9 penetration that is prohibited by the criminal laws of this
10 State and committed against a minor by an adult family member.

11 (b) No person shall knowingly perform an abortion upon a
12 minor or any person under legal disability, unless the person
13 or his or her agent has:

14 (1) given at least 48 hours' actual notice to an adult
15 family member or legal guardian of the pregnant minor or
16 person under legal disability of his or her intention to
17 perform the abortion; or

18 (2) received a written statement by a referring
19 physician certifying that the referring physician, or his
20 or her agent, has given at least 48 hours' actual notice to
21 an adult family member or legal guardian of the pregnant
22 minor or person under legal disability. If actual notice
23 is not possible after a reasonable effort, the physician
24 or his or her agent must give 48 hours constructive
25 notice.

26 (c) Notice shall not be required if:

