

## **720 ILCS 510/ 3.1**

### UNLAWFUL ABORTION

In violation of SECTION 3.1 of ACT 510 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant's name), not a physician, knowingly<sup>1</sup> performed an abortion upon Dawn Smith.

<sup>1</sup>or intentionally

**NOTE:** If defendant is a physician, he still may perform an abortion only if (1) he determines that in his best clinical judgment the abortion is necessary, or (2) he receives a written statement or oral communication from another physician, a "referring physician", certifying that in the referring physician's best clinical judgment the abortion is necessary.

**IMPORTANT:** For sentencing and alternative charging information see the Sentencing Guide.

**Legislative History:** Created - P.A. 81-1078 (October 30, 1979; Amended - P.A. 83-1128.

**CHARGE:** Felony (Class 2)

**BOND:** Must be Set by Judge

---

## **720 ILCS 510/ 5**

### UNLAWFUL ABORTION

In violation of SECTION 5 of ACT 510 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant's name), recklessly<sup>1</sup> performed an abortion upon Dawn Smith when the fetus carried by Dawn Smith was viable and when in the medical judgment of the defendant the abortion was not necessary to preserve the life or the health of Dawn Smith.

<sup>1</sup>or intentionally or knowingly

**NOTE:** See Appendix B for discussion of necessity of alleging mental state.

**IMPORTANT:** For sentencing and alternative charging information see the Sentencing Guide.

**Legislative History:** Created - P.A. 79-1126 (November 30, 1975); Amended - P.A.s 81-1078 and 83-1128.

**CHARGE:** Felony (Class 2)

**BOND:** Must be Set by Judge

---

## **720 ILCS 510/ 6(1)(a)**

### UNLAWFUL ABORTION

In violation of SECTION 6(1)(a) ACT 510 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant's name), a physician, intentionally performed an abortion upon Dawn Smith when, in his medical judgment based upon the facts of the case before him, there was a reasonable likelihood of sustained survival of the fetus of Dawn Smith outside the womb of Dawn Smith with<sup>1</sup> artificial support, and that said defendant recklessly<sup>2</sup> failed to utilize the method of abortion (cite the particular method) of those he knew to be available which he knew in his medical judgment would most likely preserve the life and health of the fetus of Dawn Smith.

<sup>1</sup>or without; <sup>2</sup>or intentionally or knowingly

**NOTE:** See Appendix B for discussion of necessity of alleging mental state.

**IMPORTANT:** For sentencing and alternative charging information see the Sentencing Guide.

**Legislative History:** Created - P.A. 79-1126 (Nov. 20, 1975); Amended - P.A. 80-1431, 81-1078, 83-484, 83-1128 and 84-1001.

**CHARGE:** Felony (Class 3)

**BOND:** Must be Set by Judge

---

## **720 ILCS 510/ 6(2)(a)**

### UNLAWFUL ABORTION

In violation of SECTION 6(2)(a) of ACT 510 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant's name), a physician, intentionally performed<sup>1</sup> an abortion upon Dawn Smith when the fetus carried by Dawn Smith was viable and recklessly<sup>2</sup> failed to arrange for the attendance of a second physician during the abortion conducted upon Dawn Smith who would have taken control of and provided immediate medical care for the child born alive as a result of that abortion.

<sup>1</sup>or induced; <sup>2</sup>or intentionally or knowingly

**NOTE:** The requirement for a second attending physician does not apply when, in the medical judgment of the physician performing or inducing the abortion based on the particular facts of the case before him, there was a medical emergency.

**NOTE:** See Appendix B for discussion of necessity of alleging mental state.

**IMPORTANT:** For sentencing and alternative charging information see the Sentencing Guide.

**CHARGE:** Felony (Class 3)

**BOND:** Must be Set by Judge

---

**720 ILCS 510/ 6(2)(b)**

UNLAWFUL ABORTION

In violation of SECTION 6(2)(b) of ACT 510 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant’s name), a physician in attendance during the abortion conducted upon Dawn Smith as required under Section 6(2)(a) of this Act, subsequent to conducting an abortion upon Dawn Smith where the child of Dawn Smith was born alive, recklessly<sup>1</sup> failed to exercise the same degree of professional skill, care, and diligence to preserve the life and health of the child born to Dawn Smith as would be required of a physician providing immediate medical care to a child born alive in the course of a pregnancy termination which was not an abortion.

<sup>1</sup>or intentionally or knowingly

**NOTE:** See Appendix B for discussion of necessity of alleging mental state.

**IMPORTANT:** For sentencing and alternative charging information see the Sentencing Guide.

**CHARGE:** Felony (Class 3)

**BOND:** Must be Set by Judge

---

**720 ILCS 510/ 6(4)(a)**

UNLAWFUL ABORTION

In violation of SECTION 6(4)(a) of ACT 510 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant’s name), a physician, intentionally performed an abortion upon Dawn Smith when, in his medical judgment based upon the facts of the case before him, there was a reasonable possibility of sustained survival of the fetus of Dawn Smith outside the womb of Dawn Smith with<sup>1</sup> artificial support, and recklessly<sup>2</sup> failed to utilize the method of abortion (cite the particular method) of those he knew to be available which he knew in his medical judgment would most likely preserve the life and health of the fetus of Dawn Smith.

<sup>1</sup>or without; <sup>2</sup>or intentionally or knowingly

**NOTE:** See Appendix B for discussion of necessity of alleging mental state.

**IMPORTANT:** For sentencing and alternative charging information see the Sentencing Guide.

**CHARGE:** Felony (Class 3)

**BOND:** Must be Set by Judge

---

**720 ILCS 510/ 6(7)**

UNLAWFUL SALE<sup>1</sup> OF HUMAN FETUS

In violation of SECTION 6(7) ACT 510 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant’s name), intentionally sold<sup>2</sup> a fetus produced by the fertilization of a human ovum by a human sperm.

<sup>1</sup>or experimentation upon; <sup>2</sup>or experimented upon (unless such experimentation is therapeutic to the fetus thereby produced)

**IMPORTANT:** For sentencing and alternative charging information see the Sentencing Guide.

**CHARGE:** Misdemeanor (Class A)

**BOND:** \$1,500

---

**720 ILCS 510/ 11(4)**

UNLAWFUL ABORTION PROCEDURE

In violation of SECTION 11(4) ACT 510 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant’s name), knowingly<sup>1</sup> performed upon Dawn Smith what he represented to Dawn Smith to be an abortion when he knew<sup>2</sup> that Dawn Smith was not pregnant at the time the procedure was performed.

<sup>1</sup>or intentionally or recklessly; <sup>2</sup>or should have known

**NOTE:** See Appendix B for discussion of necessity of alleging mental state.

**IMPORTANT:** For sentencing and alternative charging information see the Sentencing Guide.

**Legislative History:** Created - P.A. 79-1126 (November 20, 1975); Amended - P.A.s 81-1078, 83-1128 and 85-1209.

**CHARGE:** Felony (Class 2)

**BOND:** Must be Set by Judge

---

## **720 ILCS 510/ 11.1(a)**

### UNLAWFUL RECEIPT OF ABORTION REFERRAL FEE

**In violation of SECTION 11.1(a) of ACT 510 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant's name), knowingly<sup>1</sup> received<sup>2</sup> a referral fee of \$100 United States currency from Dr. James Brown in connection with the performance of an abortion upon Dawn Smith by Dr. James Brown.**

<sup>1</sup>or intentionally or recklessly; <sup>2</sup>or paid

**NOTE:** A "referral fee" means the transfer of anything of value between a doctor who performs an abortion or an operator or employee of a clinic at which an abortion is performed and the person who advised the woman receiving the abortion to use the services of that doctor or clinic.

**NOTE:** See Appendix B for discussion of necessity of alleging mental state.

**IMPORTANT:** For sentencing and alternative charging information see the Sentencing Guide.

**Legislative History:** Created - P.A. 81-1119 (July 1, 1980).

**CHARGE:** Felony (Class 4)

**BOND:** Must be Set by Judge

---

**Intentionally Blank**