



Georgia's 'Heartbeat' Abortion Bill Blocked by Federal Judge

Gene Maddaus | October 1, 2019



A federal judge has granted an injunction blocking Georgia's "fetal heartbeat" law, which bans abortion at six weeks' gestation.

Judge Steve C. Jones sided with the plaintiffs, including Planned Parenthood and several women's health clinics, finding that the law violated the Supreme Court's precedents in *Roe v. Wade* and *Planned Parenthood v. Casey*.

"This Court, as a district court, is bound by those decisions and, as stated above, is without discretion to overrule or otherwise change this abortion law precedent," Jones wrote.

Should the state choose to appeal the decision, the suit would be sent to the 11th Circuit Court of Appeals.

Georgia was one of five states to pass a "heartbeat" bill this year. Pro-life lawmakers have been emboldened by the appointment of Justice Brett Kavanaugh to try to overturn those precedents. The laws have also been blocked by

district courts in Mississippi, Ohio, and Kentucky. In past years, courts have struck down "heartbeat" bills in North Dakota and Arkansas.

In Georgia, generous tax credits have made the state a haven for film and TV production. After Gov. Brian Kemp signed the bill in May, many Hollywood studios, including Netflix and Disney, said they would reconsider whether to film in Georgia if the law were ever to go into effect.

The law was set to take effect on Jan. 1, 2020. The ACLU, the Center for Reproductive Rights, and Planned Parenthood filed suit in June to block the law.

In his ruling, Jones rejected the state's argument that the *Roe* and *Casey* decisions have left undefined "the precise contours" of the state's interest in protecting the unborn.

"What is clearly defined, however, is that under no circumstances whatsoever may a State prohibit or ban abortions at any point prior to viability, no matter what interests the State asserts to support it," Jones wrote.

Unlike some other states, the Georgia bill included an exception for rape and incest, providing a police report was filed.

Kemp's spokesperson said his office is reviewing the decision.

"We are currently reviewing Judge Jones' decision. Despite today's outcome, we remain confident in our position," said spokeswoman Candice Broce. "We will continue to fight for the unborn and work to ensure that all Georgians have the opportunity to live, grow, and prosper." ■