



Legislation Text

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Res. No. 208

Resolution calling upon the New York State Legislature to pass, and the Governor to sign, S.9077/A.10372, which would provide judicial protections to abortion providers in New York

By Council Members Velázquez, Louis, Brannan, Hanif, Joseph, Nurse, Ung, Bottcher, Abreu, The Speaker (Council Member Adams), Restler and Sanchez

Whereas, According to a recently leaked initial draft majority opinion by the Supreme Court of the United States (SCOTUS) in the case *Dobbs v. Jackson Women’s Health Organization*, SCOTUS has voted to strike down the landmark *Roe v. Wade* decision that has protected the freedom to seek an abortion since 1973; and

Whereas, While such draft opinions routinely change as they are traded among justices, who offer suggestions, make objections and at times even change their votes, it is conceivable that the final ruling may yet be narrower than the leaked draft opinion; and

Whereas, Prior to *Roe v. Wade*, per historian Ruth Rosen, “[a]dvocates of abortion reform estimated that close to one million women had illegal abortions annually... and they attributed some five thousand deaths directly to illegal abortions”; and

Whereas, Rosen’s quote exemplifies how, throughout history, laws banning abortion do not prevent them from happening and instead make them humiliating and unsafe, to the point of sometimes being fatal; and

Whereas, While abortion care has been legal on a federal level for the past nearly 50 years, poor and working class women, women of color and people who identify as LGBTQI+ have continued to have limited access to reproductive healthcare; and

Whereas, According to an analysis conducted by the Guttmacher Institute, if SCOTUS overturns or

fundamentally weakens *Roe v. Wade*, 26 states have laws or constitutional amendments already in place that would make them certain or likely to ban abortion; and

Whereas, Currently, 16 states have abortion bans in statute; and

Whereas, Texas' restrictive new abortion law, which went into effect September 2021, relies on a unique private enforcement mechanism to enforce the ban via civil lawsuits, empowering private citizens to sue anyone who has helped "aid or abet" the provision of an abortion after six weeks; and

Whereas, Missouri has introduced a bill similar to that of Texas, but with enforcement going beyond its state's borders in an attempt to impose their policy preferences on other states, to stop Missouri residents from accessing abortion care anywhere at all; and

Whereas, While the country awaits the official SCOTUS decision, other states are attempting to pass laws mirroring the enforcement method in the Texas law; and

Whereas, The State of New York ("New York" or "State") has a long history of supporting reproductive rights as one of the first states in the country to pioneer legislation that decriminalized abortion in 1970; and

Whereas, New York City ("City") has also been a leader in abortion care access; in 2019, the City Council made history when it allocated \$250,000 to the New York Abortion Access Fund allowing about 500 low-income women who travel from other states to obtain abortions in the City; and

Whereas, S.9077/A.10372, sponsored by State Senator Liz Krueger and State Assembly Member Charles Lavine respectively, would provide certain legal protections for abortion service providers, including extradition, arrest and legal proceedings in other states relating to abortions legally performed in New York; and

Whereas, This bill provides additional judicial protections to abortion providers located in the State by creating a statutory exception for the extradition of abortion providers; and

Whereas, The United States Constitution's extradition clause does not cover extradition of people who did not "flee justice," meaning a state is not constitutionally required to extradite, for example, an Illinois provider who never leaves Illinois but mails abortion medication to a Georgia resident in Georgia; and

Whereas, Nonetheless, some states have provisions in their own extradition laws that obligate the state to extradite accused criminals, even if they have never been in the other state and thus have not fled; and

Whereas, An abortion-supportive state seeking to fully protect its providers could exempt them from provisions related to extradition so that the provider could perform abortions in their home state to out-of-state patients, whether physically in the provider's home state or by telemedicine to the patient's home state, without fear of being extradited; and

Whereas, S.9077/A.10372 would prohibit courts from cooperating with out-of-state civil and criminal cases that stem from abortions that took place legally within their borders; and

Whereas, Most states have enacted some form of the Uniform Interstate Depositions and Discovery Act, which simplifies the process for litigants to take depositions and engage in discovery with people from another state; and

Whereas, New York could protect State resident providers from anti-abortion state investigations by passing a law exempting abortion providers from the interstate discovery and interstate witness subpoena laws; and

Whereas, S.9077/A.10372 would also provide judicial protections by prohibiting law enforcement from cooperating with anti-abortion states' investigations regarding abortions that took place legally; and

Whereas, This bill is a tool to help New York thwart interstate investigations to combat state policies that attempt to ban abortions and punish providers beyond their borders; and

Whereas, The federal government has so far failed to act decisively on this issue, leaving it up to states that support reproductive health care to determine the future of abortion law and access; now, therefore be it Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass, and the Governor to sign, S.9077/A.10372, which would provide judicial protections to abortion providers in New York.

CGR

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