

118TH CONGRESS
1ST SESSION

H. R. 2430

To create a rule of construction for Federal courts to apply in all cases regarding the provision or obtaining of reproductive health services and the imposition of capital punishment.

IN THE HOUSE OF REPRESENTATIVES

MARCH 30, 2023

Ms. MACE introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To create a rule of construction for Federal courts to apply in all cases regarding the provision or obtaining of reproductive health services and the imposition of capital punishment.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Women’s Healthcare
5 Anti-Death Penalty Construction Act”.

1 **SEC. 2. REPRODUCTIVE HEALTH SERVICES ANTI-DEATH**
2 **PENALTY RULE OF CONSTRUCTION.**

3 (a) IN GENERAL.—Chapter 13 of title 18, United
4 States Code, is amended by adding at the end the fol-
5 lowing new section:

6 **“§ 251. Reproductive health services anti-death pen-**
7 **alty rule of construction**

8 “(a) RULE OF CONSTRUCTION.—In each case before
9 a Federal court involving the imposition of a sentence of
10 death on an individual by a State court for a conviction
11 of an offense under State law involving receiving or pro-
12 viding a reproductive health service, the court shall con-
13 strue the imposition of such sentence as cruel and unusual
14 punishment, and a manifest miscarriage of justice at law.

15 “(b) CAUSE OF ACTION FOR VIOLATIONS.—

16 “(1) IN GENERAL.—A person who is sentenced
17 to death in a State court for receiving or providing
18 a reproductive health service, or their estates or suc-
19 cessors in interest, may bring an action under sec-
20 tion 1979 of the Revised Statutes of the United
21 States (42 U.S.C. 1983), including for declaratory
22 or injunctive relief.

23 “(2) RIGHT CLEARLY ESTABLISHED AT LAW.—

24 In an action brought under this section, the right
25 against cruel and unusual punishment shall be con-
26 sidered clearly established at law in cases where of

1 the sentence of death is imposed on an individual for
2 providing or receiving a reproductive health service.

3 “(3) RESIDUAL HABEAS REMEDY.—A person
4 who is sentenced to death in a State court for receiv-
5 ing or providing a reproductive health service shall
6 be entitled to bring an action for habeas corpus re-
7 lief in Federal district court under section 2254 of
8 title 28, United States Code, and such writ shall
9 issue if the State court has imposed a cruel and un-
10 usual punishment, or performed a manifest mis-
11 carriage of justice, within the meaning of this sec-
12 tion.

13 “(4) JURISDICTION AND VENUE.—Jurisdiction
14 and venue is appropriate in any Federal court in
15 which an action under section 1979 of the Revised
16 Statutes of the United States (42 U.S.C. 1983) may
17 be brought.

18 “(c) PREEMPTION.—This Act preempts any State
19 law that conflicts with this section of this Act.

20 “(d) DEFINITIONS.—In this section:

21 “(1) The term ‘reproductive health services’
22 means the same as the term is defined under section
23 248(e)(5) of title 18, United States Code.

24 “(2) The term ‘State’ means a State, Territory,
25 Tribal Nation, Federal enclave, outlying possession,

1 or other property of the United States, and includes
2 local and municipal governments.”.

3 (b) CLERICAL AMENDMENT.—The table of sections
4 for chapter 13, title 18, United States Code, is amended
5 by inserting after the item relating to section 250 the fol-
6 lowing:

“251. Reproductive health services anti-death penalty rule of construction.”.

