

Application for Consideration by the Democratic Party of Contra Costa County (DPCCC)

- Send applications to: issues@contracostadems.com
- Applications may refer to resolutions or legislation.
- It is recommended that applications be submitted at least 72 hours prior to the next scheduled Issues Committee meeting. The Committee generally meets on the Monday before the first Thursday of the month.
- Please limit your application to 4 pages if possible.

Section I: Administrative Information

Name or Title of Issue: *Protect people from prosecutions and criminalization of abortion or pregnancy loss.*

Date of application: *June 30, 2022*

Name of organization or individual submitting application: *Craig Cheslog*

Contact email or phone number: *925-708-5845*

Name of person who will address the Issues Committee, as required (if different): *n/a*

Contact email or phone number: *n/a*

Section II: Background Information

What is the summary of your issues' intent and impact? Include bill number if appropriate. *AB 2223 would delete the requirement for a coroner to inquire into and determine the circumstances, manner, and cause of all deaths related to or following known or suspected self-induced or criminal abortion. The bill would prohibit using the coroner's statements on the certificate of fetal death to establish, bring, or support a criminal prosecution or civil cause of damages against any person exercising their rights under the Reproductive Privacy Act (SB 1301, 2002).*

According to the bill's author, Assembly Member Buffy Wicks, a critical part of realizing reproductive justice for people in California is clarifying that nobody will be investigated, prosecuted, or incarcerated for their actual, potential, or alleged pregnancy outcomes. Pregnancy criminalization is a widespread, national problem, and California is not exempt

from this issue. Despite clear law that ending or losing a pregnancy is not a crime, prosecutors in this state have charged people with homicide offenses for pregnancy loss.

If you are requesting a position on legislation, please answer Questions 2-5.

1. *What legislative body is considering this legislation (Federal/House, Federal/Senate, California Assembly, California Senate, or other Local Jurisdiction?)* **California State Legislature**
2. *Please include any companion bill numbers for legislation moving through the other house. It is one of the bills that are a part of the California Future of Abortion Council's list of recommended statutory changes to improve access to abortion care, support abortion providers, and address gaps in the health care system.*
<https://www.cafabcouncil.org/ca-fab-checklist-new-version>
3. *What is the bill title?* **Reproductive Health**
4. *Who are the author and any co-authors of the bill?* **The bill's author is Assembly Member Buffy Wicks. The Principal Co-author is Assembly Member Kevin Mullin. Co-authors include Assembly Members Rebecca Bauer-Kahan, Steve Bennett, Marc Berman, Cristina Garcia, Matt Haney, Reginald Jones-Sawyer, and Ash Kalra; and Senators Lena Gonzalez and Scott Wiener.**
5. *What position are you asking the Democratic Party of Contra Costa County to take?*
Support
6. *How does this issue align with the California Democratic Party platform and/or values? If it does not currently align with the platform, please explain why it is a Democratic value that we seek to include in a future platform. Please include specific name/date of platform plank, previous legislation, or resolution.* **This legislation supports the California Democratic Party's platform calling for protecting "full reproductive health services that respects an individual's right to abortion."**
7. *What are the expected outcomes of your issue for residents of Contra Costa County? Please include any reference sources that will help our committee understand the issue/history surrounding the legislation, including URLs and web links. The more our committee knows, the better we can review and analyze the issue.* **The bill would ensure that no person in California or Contra Costa County will be investigated, prosecuted, or incarcerated for their actual, potential, or alleged pregnancy outcomes.**
8. *What is the timeline regarding your issue? Are there any deadlines or time constraints that the committee should be aware of when considering this matter, and making recommendations to the Central Committee membership?* **AB 2223 will next be heard in the Senate Appropriations Committee after the Legislature returns from its July recess.**

9. How does your issue relate to other current or proposed legislation? *It is one of the bills that are a part of the California Future of Abortion Council's list of recommended statutory changes to improve access to abortion care, support abortion providers, and address gaps in the health care system.*
<https://www.cafabcouncil.org/ca-fab-checklist-new-version>
10. What has been the experience of your issue in previous legislative sessions and/or other states? *The bill will protect Californians and people who travel to California after the passage of extreme anti-abortion measures by multiple states and the Supreme Court's Dobbs decision to eliminate the federal right to abortion access. It also seeks to prevent anti-abortion California prosecutors from violating the rights of people under the state's Reproductive Privacy Act (SB 1301, 2002).*
11. What is the fiscal impact of your issue? *The Trial Court Trust Fund will face expenditures in the mid-hundreds of thousands of dollars.*
12. Who are the primary proponents (including legislators) of this issue, and what resources do they bring to this effort? *The bill passed off the Assembly Floor by a 48-21 vote, including "aye" votes from Assembly Members Bauer-Kahan, Wicks, and Wilson. Contra Costa's representatives to the California State Senate have not had an opportunity to vote on the bill as of 6/28/22. Lt. Governor Eleni Kounalakis also supports the legislation.*
13. Are there other elected officials or organizations that have signed on in support? *The bill is co-sponsored by ACLU California Action, Black Women for Wellness Action Project, California Latinas for Reproductive Justice, If/when/how: Lawyering for Reproductive Justice, NARAL Pro-Choice California, and Planned Parenthood Affiliates of California. Additional supporters are listed on page 8 of the Senate Health Committee's 6/27/22 bill analysis:*
https://leginfo.legislature.ca.gov/faces/billAnalysisClient.xhtml?bill_id=202120220AB2223#
14. Who are the primary opponents? (Please be Specific) What arguments are used to oppose this policy? *American Council of Evangelicals, Americans United for Life, California Family Council, Californians for Life, Catholic Families 4 Freedom CA, Concerned Women for America, Eagle Forum of California, National Center for Law and Policy, Pacific Justice Institute, Right to Life League, and Traditional Values for Next Generations. The California Family Council is opposed to this bill and states that this bill would legalize infanticide by the mother or any accomplice. The Traditional Values for Next Generations says this bill is the most extreme, anti-life bill in California's history.*
15. Are there other elected officials or organizations that have declined support? If so, why? *There were 21 Republicans who voted against AB 2223 in a recent Assembly floor vote. There were nine legislators who did not record a vote.*

Section III: Requested Actions in Support

If endorsed by DPCCC, how best can the DPCCC support this proposal? (The DPCCC Issues Committee will let you know how much support we can offer.)

- X Use DPCCC's name/logo on fact sheets, endorsee list*
- X Post information on DPCCC website*
- ☐ *Written/oral testimony*
- X Inform Contra Costa County Elected Delegation*
- X Inform Endorsed Democratic Local Elected Officials*
- X Action Alerts to members*
- ☐ *Letters to the editor*
- ☐ *Send to CADEM Legislation Committee*
- ☐ *Other_____*

Endorsements will be shared on the DPCCC website and in other advocacy venues

If you have any questions, need additional assistance, or require ADA accommodations, please let us know by email at issues@contracostadems.com. You can also reach us by phone or text at (206) 619-5030. All information and communications are confidential.

*For more information on DPCCC's Issues Committee, visit:
<https://www.contracostadems.com/leadership>*

March 2022, Subject to final approval by Rules Committee