



## DIOCESE OF MANCHESTER

April 6, 2023

Senator Sharon Carson, Chair  
And Members of the Senate Judiciary Committee  
State House  
Concord, NH 03301

Re: **HB 224 (Eliminating the Penalties from the 24-Week Abortion Law)**

Dear Senator Carson and Members of the Committee:

As the Director of the Office of Public Policy of the Roman Catholic Diocese of Manchester, and on behalf of Bishop Peter Libasci, I write to respectfully register our **opposition to HB 224**, which would eliminate the criminal and civil penalties from the 24-week abortion law.

The question presented by HB 224 and the various other bills that have been filed to challenge the Fetal Life Protection Act cannot be whether the principles of *Roe v. Wade* should be codified in New Hampshire statute. The FLPA is entirely *consistent* with the Court's opinion in *Roe*, which said that state regulation protective of fetal life after viability has both logical and biological justifications. "If the State is interested in protecting fetal life after viability, it may go so far as to proscribe abortion." 410 U.S.113, 163 (1973). Of course, the FLPA was enacted under *Roe*, and it comported with the constitutional regime that was in place even before the *Dobbs* decision was handed down.

Nor is the question presented by HB 224 whether the FLPA should apply in cases where there is a medical emergency, or where there are "fetal abnormalities incompatible with life." As this Committee is well aware, those circumstances already are the subjects of exemptions under the FLPA.

I think that the question presented by HB 224 really is the same one that has been percolating around the various abortion bills this Committee has been reviewing since the enactment of the FLPA: **should a viable unborn child be liable to abortion up to the very point of birth?**

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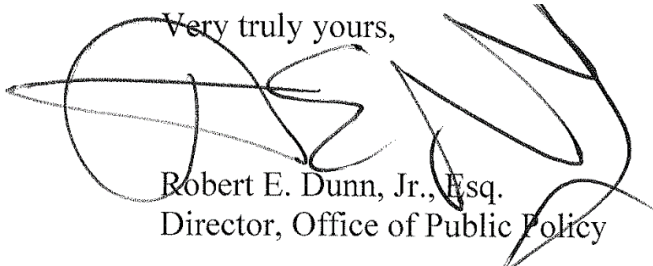
As you consider this bill, I ask you to pay close attention to the texts that this bill would repeal. For instance, by repealing RSA 329:46, the bill would remove the criminal penalty that currently applies if a health care provider “knowingly performs or induces an abortion in violation of this subdivision and knows that the fetus has a gestational age of at least 24 weeks, or consciously disregards a substantial risk that the fetus has a gestational age of at least 24 weeks.” Again, under the FLPA this provision is only implicated where there is no medical emergency or “fetal abnormality incompatible with life.”

In what other circumstance would we be talking about repealing the criminal and civil penalties that pertain to the killing of one particular category of human being, especially where the person that has violated the law in question has done so by acting knowingly or with conscious disregard?

As I have stated to this Committee before, it only stands to reason that if we want our society to respect and value the life of the young human being who is a refugee, or the young human being who is homeless, or the young human being who does not have access to health care, then we need to respect and value the life of the young human being in the womb as well. If we ask society to treat certain ones of us as expendable, we cannot be surprised if society treats certain ones of us as expendable.

Therefore, I respectfully urge you to vote ITL on HB 224.

Thank you as always for your kind consideration of our views.

Very truly yours,  
  
Robert E. Dunn, Jr., Esq.  
Director, Office of Public Policy