

**ADDENDUM TO BRIEF
PURSUANT TO CIR. 28-2.7**

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FIFTH AMENDMENT TO THE U.S. CONSTITUTION

[N]or shall private property be taken for public use, without just compensation.

THIRTEENTH AMENDMENT TO THE U.S. CONSTITUTION

SECTION 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

FOURTEENTH AMENDMENT TO THE U.S. CONSTITUTION

[N]or shall any State . . . deny to any person within its jurisdiction the equal protection of the laws.

IDAHO CODE § 18-604

As used in this chapter:**(1)** "Abortion" means the use of any means to intentionally terminate the clinically diagnosable pregnancy of a woman with knowledge that the termination by those means will, with reasonable likelihood, cause the death of the unborn child except that, for the purposes of this chapter, abortion shall not mean:**(a)** The use of an intrauterine device or birth control pill to inhibit or prevent ovulations, fertilization, or the implantation of a fertilized ovum within the uterus;**(b)** The removal of a dead unborn child;**(c)** The removal of an ectopic or molar pregnancy; or**(d)** The treatment of a woman who is no longer pregnant.

(5) "Fetus" and "unborn child." Each term means an individual organism of the species *Homo sapiens* from fertilization until live birth.”)

IDAHO CODE §§ 18-605(1) AND (3)

(1) Every person not licensed or certified to provide health care in Idaho who knowingly, except as permitted by this chapter, provides, supplies or administers any medicine, drug or substance to any woman or uses or employs any instrument or other means whatever upon any then-pregnant woman with intent thereby to cause or perform an abortion shall be guilty of a felony and shall be fined not to exceed five thousand dollars (\$5,000) and/or imprisoned in the state prison for not less than two (2) and not more than five (5) years.

(3) Any person who is licensed or certified to provide health care pursuant to title 54, Idaho Code, and who knowingly violates the provisions of this chapter is guilty of a felony punishable as set forth in subsection (1) of this section, separate from and in addition to the administrative penalties set forth in subsection (2) of this section.

IDAHO CODE § 18-606(2)

(2) Every woman who knowingly submits to an abortion or solicits of another, for herself, the production of an abortion, or who purposely terminates her own pregnancy otherwise than by a live birth, shall be deemed guilty of a felony and shall be fined not to exceed five thousand dollars (\$5,000) and/or imprisoned in the state prison for not less than one (1) and not more than five (5) years;

IDAHO CODE § 18-622(1)

(1) Except as provided in subsection (2) of this section, every person who performs or attempts to perform an abortion as defined in this chapter commits the crime of criminal abortion. Criminal abortion shall be a felony punishable by a sentence of imprisonment of no less than two (2) years and no more than five (5) years in prison. The professional license of any health care professional who performs or attempts to perform an abortion or who assists in performing or attempting to perform an abortion in violation of this subsection shall be suspended

by the appropriate licensing board for a minimum of six (6) months upon a first offense and shall be permanently revoked upon a subsequent offense.

IDAHO CODE §18-8801(3) 7

"Fetus" and "preborn child" each mean an individual organism of the species *Homo sapiens* from fertilization until live birth.

IDAHO CODE § 18-8802(1) AND (8)

The legislature finds and declares that: **(1)** The life of each human being begins at fertilization, and preborn children have interests in life, health, and well-being that should be protected.

(8) Therefore, the state of Idaho has a compelling interest in protecting the life of a preborn child at all stages of its development, including after the preborn child has a detectable heartbeat, which signals rhythmically and without pause the presence of a precious and unique life, one that is independent and distinct from the mother's and one that is also worthy of our utmost protection.

IDAHO CODE § 18-8804(1)

(1) A person may not perform an abortion on a pregnant woman when a fetal heartbeat has been detected, except in the case of a medical emergency, in the case of rape as defined in section 18-6101, Idaho Code, or in the case of incest as described in section 18-6601, Idaho Code. In the case of rape or incest: **(a)** If the woman is not a minor or subject to guardianship, then, prior to the performance of the abortion, the woman has reported the act of rape or incest to a law enforcement agency and provided a copy of such report to the physician who is to perform the abortion; or **(b)** If the woman is a minor or subject to guardianship, then, prior to the performance of the abortion, the woman or her parent or guardian has reported the act of rape or incest to a law enforcement agency or child protective services and a copy of such

report have been provided to the physician who is to perform the abortion.(2) Nothing in this section recognizes a right to abortion before a fetal heartbeat is detected.

Idaho Code § 39-3402

(3) "Anatomical gift" means a donation of all or part of a human body to take effect after the donor's death for the purpose of transplantation, therapy, research or education.

Idaho Code § 39-3404

Subject to section 39-3408, Idaho Code, an anatomical gift of a donor's body or part may be made during the life of the donor for the purpose of transplantation, therapy, research or education in the manner provided in section 39-3405, Idaho Code, by: (1) The donor, if the donor is an adult or if the donor is a minor and is: (a) Emancipated; or(b) At least fifteen (15) years of age, provided however, that if the donor is fifteen (15) years of age or older and less than eighteen (18) years of age, a parent or an adult guardian must consent in writing in the presence of the donor.(2) An agent of the donor, unless the power of attorney for health care or other record prohibits the agent from making an anatomical gift;(3) A parent of the donor, if the donor is an unemancipated minor; or(4) The donor's guardian.

Idaho Code § 39-8203(6)

(6) A custodial parent may leave a child with a safe haven or a safe haven through a newborn safety device in this state without being subjected to prosecution for abandonment pursuant to the provisions of title 18, Idaho Code, provided that the child was no more than thirty (30) days of age when it was left at the safe haven or a safe haven through a newborn safety device, as determined within a reasonable degree of medical certainty.

Idaho Code § 39-8205(5)

(5) As soon as practicable following the initial thirty (30) day period from the time the child was delivered to a safe haven by a custodial parent, the department shall petition to terminate the parental rights of the parent who abandoned the child at the safe haven and any unknown parent pursuant to section 16-1624, Idaho Code, and in accordance with chapter 20, title 16, Idaho Code.