

Federal Judge Rules Texas Abortion Law Does Not Apply to Groups Assisting Women in Traveling Out-of-State for Abortions



In a recent legal victory for women's reproductive rights, U.S. District Judge Robert Pitman ruled that Texas abortion funds cannot be prosecuted for aiding women who travel out of Texas to obtain abortions. The ruling resulted from a lawsuit filed in August 2022 by several abortion funds, pro-choice groups, and non-profit organizations against Texas Attorney General Ken Paxton. These groups claimed they had stopped assisting Texan women traveling out of the state to obtain abortions due to the fear of prosecution under the state's abortion ban.

Judge Pitman's ruling centered on the scope of Paxton's authority to enforce the Texas abortion law outlined in H.B. 1280. While Paxton does have the authority to enforce the law within Texas, Judge Pitman noted that this power does not extend to regulating abortions outside of the state. Furthermore, the judge found that pre-Roe laws are subject to implied repeal, meaning that they no longer hold legal weight, and therefore granted a motion to prevent the eight named prosecutors from enforcing these laws.

The lawsuit referenced Texan lawmakers' and Paxton's intention to prosecute organizations that aided women in obtaining abortions outside of the state, even after the Supreme Court's landmark decision in *Roe v. Wade* was overturned in June 2022. The court suggested that without the preliminary enjoining of the pre-Roe laws, the abortion funds would be unable to carry out their organizational missions, and their First Amendment rights would be impacted.

The ruling addressed Senate Bill 8, the "trigger law," and the pre-Roe statutes. Judge Pitman explained that neither Senate Bill 8 nor pre-Roe statutes are enforceable by district attorneys and that the "trigger law" cannot be enforced across state lines. Additionally, because the pre-Roe statutes have been repealed, there is no criminal punishment for violating them, rendering them unenforceable.

As a result of the ruling, Paxton was dismissed from the lawsuit. The abortion funds will not be prosecuted for their organizations' activities in funding or supporting women seeking abortions outside of Texas. This legal victory is significant for women's reproductive rights advocates, who have been fighting against restrictive abortion laws in Texas and other states.

Overall, Judge Pitman's ruling provides some relief for organizations that support women seeking abortions, but the fight for reproductive rights in Texas and across the U.S. continues. Advocates will likely continue to push for legislation and legal action to ensure women have access to safe and legal abortions, regardless of their location or circumstances.

REFERENCES:

US federal judge rules Texas law criminalizing abortion inapplicable to groups helping women travel out-of-state for abortions