

Gov. Evers: Democrats announce legislation to repeal Wisconsin's 1849-era criminal abortion ban

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MADISON — Gov. Tony Evers and Lt. Gov. Sara Rodriguez today joined State Sen. Kelda Roys (D-Madison) and State Rep. Lisa Subeck (D-Madison) to reintroduce legislation this legislative session to repeal Wisconsin's 1849-era criminal abortion ban—a ban that was passed before the Civil War and before women had the right to vote and prohibits nearly all abortions without exceptions for rape and incest. The bill, [LRB-0692](#), would cleanly repeal Wisconsin's criminal abortion ban, effectively reverting abortion access in Wisconsin to June 23, 2022, the day before the U.S. Supreme Court's decision in *Dobbs v. Jackson Women's Health Organization* that overturned *Roe v. Wade* and *Planned Parenthood of Southeastern Pa. v. Casey*.

They were joined for the announcement by Senate Minority Leader Melissa Agard (D-Madison) and Assembly Minority Leader Greta Neubauer (D-Racine), as well as Democratic members of both houses, Attorney General Josh Kaul, community advocates, and healthcare providers.

"I've been clear from the beginning that I won't sign a bill that leaves Wisconsin women with fewer rights and freedoms than they had before the U.S. Supreme Court overturned *Roe*. This bill will simply restore access to safe, legal abortion in Wisconsin to what it was on June 23, 2022—nothing more, and nothing less," said Gov. Evers. "We must restore *Roe*, and I'm proud to join Legislative Democrats in continuing our fight to restore access to reproductive freedom in Wisconsin with a clean repeal our state's 1849-era criminal abortion ban."

According to the Marquette Law School Poll, nearly 60 percent of Wisconsin voters support safe, legal access to abortion, and more than 60 percent oppose the

decision to overturn *Roe v. Wade*, yet Wisconsin Republicans have repeatedly refused to protect reproductive rights and repeal the state's criminal abortion ban. Despite broad, bipartisan support for access to safe, legal abortion, last week, Republicans in the Legislature introduced a bill that would leave Wisconsin women and patients with fewer reproductive rights and freedoms than they had for nearly five decades prior to the U.S. Supreme Court's ruling overturning *Roe*.

"Every single Wisconsinite should have the right to consult their family, their faith, and their healthcare provider to make the reproductive healthcare decision that is right for them without interference from politicians who don't know anything about their life circumstances, their medical history, their values, or their responsibilities," said Lt. Gov. Rodriguez.

State Rep. Subeck, coauthor of LRB-0692, has introduced similar legislation to repeal the state's criminal abortion ban since the 2015 Legislative Session.

"Abortion is healthcare. As long as doctors face the threat of prosecution for providing basic reproductive healthcare, and as long as extremist Republicans continue putting politics ahead of our rights, patients will not have access to the abortion care they need in our state," said State Rep. Subeck. "The bill we introduced today would Restore *Roe* in Wisconsin by returning the state of abortion access to exactly what it was before *Roe v. Wade* was overturned, restoring our freedom to make our own reproductive healthcare decisions without interference from politicians."

"Women—not politicians—are the only ones who should make decisions about their bodies, lives, and health. Abortion is common, safe, and not controversial. Wisconsinites overwhelmingly want to see the rights we had under *Roe v. Wade* restored. We cannot afford to make Wisconsin even more hostile to healthcare providers and women if we want our state to thrive," said State Sen. Roys, coauthor of LRB-0692. "Everyone knows someone who will need an abortion, and no one should be treated like a criminal when they do."

Today's effort is the latest in a series of actions taken by Gov. Evers and Democrats to restore reproductive freedom in Wisconsin. In January, the governor and Democrats [announced a new effort](#) to put an advisory referendum on the April 2023 ballot, asking voters if Wisconsin should repeal the state's criminal abortion ban and restore the constitutional rights guaranteed for nearly 50 years under *Roe v. Wade*. In June, just days after the U.S. Supreme Court released a decision in *Dobbs*,

Gov. Evers and Wisconsin Attorney General Josh Kaul [filed a lawsuit](#) challenging Wisconsin's criminal abortion ban. The litigation effort is ongoing.

A year ago now, Gov. Evers joined legislative Democrats and Attorney General Kaul in [calling on the Legislature](#) to repeal Wisconsin's archaic criminal abortion ban. After Republican legislators concluded their regular session work without taking action on the proposal, Gov. Evers called the Legislature into a [special session](#) to press legislative action to protect reproductive freedom. Only days after Republican legislators [gaveled in and out](#) of the special session in moments without any discussion or debate, and despite broad public concern about the topic, the U.S. Supreme Court released their decision in *Dobbs*, throwing reproductive healthcare access in Wisconsin into near-immediate chaos.

Then, last fall, after U.S. Sen. Ron Johnson (R-Wisconsin) erroneously [suggested](#) Wisconsin voters could challenge the state's 1800s-era criminal abortion ban directly through a binding statewide referendum—something that is allowable in more than 20 other states but not permissible in Wisconsin—Gov. Evers again [called the Legislature into a special session](#) to create a pathway for Wisconsinites to directly challenge the state's criminal abortion ban and repeal the archaic law. Republicans in the Legislature gaveled out of the special session without consideration or debate.

Over the course of the past four years, the governor has vetoed several bills passed by the Legislature, including [several in the most recent biennium](#), that would have restricted access to abortion, inserted politics into the personal and private conversations between patients and their healthcare providers and made it harder for doctors to provide medically accurate information and treatment. Many of these bills also sought to limit healthcare options for people seeking basic, necessary care, such as pregnancy care, cancer screening and prevention, sexually transmitted disease screening and treatment, and wellness exams.

An online version of this release is available [here](#).