



BRADFORD J. PHELPS  
CHIEF DEPUTY ATTORNEY GENERAL

STATE OF ARKANSAS  
THE ATTORNEY GENERAL  
DUSTIN MCDANIEL

June 10, 2013

The Honorable Bob Goodlatte  
Chairman, Committee on the Judiciary  
House of Representatives  
2138 Rayburn House Office Building  
Washington, DC 20515-6216

The Honorable Trent Franks  
Chairman, Subcommittee on  
The Constitution and Civil Justice  
House of Representatives  
2138 Rayburn House Office Building  
Washington, DC 20515-6216

Dear Chairman Goodlatte and Chairman Franks:

I write in response to your letter dated May 7, 2013. As an initial matter, I should note that our office is not constitutionally authorized to bring criminal prosecutions for our State. Those matters are handled by county prosecuting attorneys. Many of the records that you request would exist, if at all, outside the Office of the Attorney General. With that in mind, I will attempt to answer each of your inquiries.

- 1) Our office does not have prosecutorial authority and we have no information responsive to this request.
- 2) Our State has enacted a number of measures that relate to abortion. There is a ban on partial birth abortions (See Ark. Code Ann. §20-16-1202). Act 171 of the 2013 General Assembly prohibits an abortion after 20 weeks unless one of the law's exceptions can be met. Act 310 of the 2013 General Assembly prohibits an abortion beyond 12 weeks if a fetal heartbeat is detected unless one of the law's exceptions is met. Current Arkansas law prohibits an abortion of a "viable fetus" unless the abortion is designed to "preserve the life or health" of a woman. Ark. Code Ann. §5-1-102 prohibits the killing of an

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unborn child, which is defined as a living fetus of greater than 12 weeks gestation. How these laws would be applied in the factual circumstances you describe would be a decision for the prosecuting attorney.

- 3) In response to your request, there is no different statute of limitations period for the acts that you describe.
- 4) Our office does not have prosecutorial authority and we have no information responsive to this request.
- 5) Our office does not have prosecutorial authority and we have no information responsive to this request.

If you have any questions or need additional information, do not hesitate to contact our office. Thank you for the opportunity to respond.

Sincerely,



BRADFORD J. PHELPS  
Chief Deputy Attorney General

BJP:ds