



AGENDA REPORT

CITY HALL • ONE FRANK OGAWA PLAZA, 2ND FLOOR • OAKLAND, CA 94612

DAN KALB

(510) 238-7001

Councilmember District 1

dkalb@oaklandca.gov

DATE: July 19, 2022
TO: Members of the City Council and Members of the Public
FROM: Councilmember Dan Kalb
SUBJECT: Resolution in Support of AB 2223 (Wicks)

RECOMMENDATION

That the City Council adopt a

RESOLUTION IN SUPPORT OF AB 2223 (WICKS) WHICH REMOVES THE REQUIREMENT THAT A CORONER INVESTIGATE DEATHS RELATED TO OR FOLLOWING A SUSPECTED SELF-INDUCED OR CRIMINAL ABORTION AND PROHIBIT USING THE CORONER'S STATEMENT ON THE CERTIFICATE OF FETAL DEATH TO ESTABLISH, BRING OR SUPPORT CRIMINAL PROSECUTION OR CIVIL CAUSE OF DAMAGES AGAINST A PERSON OR A PERSON WHO AIDS A PREGNANT PERSON

The recent Supreme Court decision to overturn Roe v. Wade is a tragedy. Now, local governments must do everything we can to support state legislation that supports women and reproductive rights.

This bill, introduced by Assembly member Wicks, protects women from unfair prosecution for having miscarriages, stillbirths, or for self-managing an abortion. Criminal prosecution in this case is partly traceable to out-of-date provisions that give coroners a duty to investigate certain abortions and pregnancy losses. Based on these provisions, health care providers and institutions report people to law enforcement for pregnancy losses, leading to harmful investigations and even unlawful prosecutions.

Civil and criminal penalties imposed on pregnant people is a critical issue for Black, Indigenous, and other people of color, who are more likely to experience adverse pregnancy outcomes^{1,2} as a result of systemic racial inequities and are more likely to be under scrutiny of state systems like child welfare or immigration.

In California, ending or losing a pregnancy is not a crime; however, police have investigated and prosecutors have charged women with homicide for these pregnancy losses. For example, in the County of Kings, District Attorney Keith Fagundes charged Adora Perez with murder for giving birth to a stillborn child after using drugs during her pregnancy. She spent four years in prison, and has only recently been released on bail. In May of this year, D.A. Fagundes dismissed the charge, citing this proposed legislation, AB 2223.³

I want to thank Assembly member Wicks and Assembly member Mullin, as well as co-authors Assembly members Bauer-Kahan, Bennett, Berman, Cristina Garcia, Haney, Jones-Sawyer, and Kalra; and Senators Gonzalez and Wiener for their work on this legislation.

For questions regarding this report, please contact Councilmember Dan Kalb at dkalb@oaklandca.gov.

Respectfully submitted,



Councilmember Dan Kalb

¹ Venkatesh et al. “Risk of Adverse Pregnancy Outcomes Among Pregnant Individuals With Gestational Diabetes by Race and Ethnicity in the United States,” <https://jamanetwork.com/journals/jama/article-abstract/2790938#:~:text=There%20were%20differences%20in%20rates,adverse%20outcomes%20persisted%20over%20time>.

² Grobman et al. “Racial Disparities in Adverse Pregnancy Outcomes and Psychosocial Stress,” <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5785441/>

³ Egelko, Bob, “Kings County D.A. drops prosecution of drug user who gave birth to stillborn baby,” <https://www.sfchronicle.com/bayarea/article/Kings-County-D-A-drops-prosecution-of-drug-user-17160928.php#:~:text=Comics-Kings%20County%20D.A.%20drops%20prosecution%20of%20drug,gave%20birth%20to%20stillborn%20baby&text=May%202022%20Updated%3A%20May,stillborn%20child%20after%20using%20drugs>.

Item: _____