



# EL PASO COUNTY STATE OF TEXAS

---

## RESOLUTION



**WHEREAS**, the Supreme Court of the United States has overturned *Roe v. Wade*, which previously prevented individual states from banning abortions; and,

**WHEREAS**, because of the Supreme Court's decision in *Dobbs v. Jackson Women's Health Organization*, each state is allowed to set its own abortion laws; and,

**WHEREAS**, on June 16, 2021, Texas Governor Greg Abbott signed into law HB 1280, the Texas Trigger Law, which criminalizes abortion with no exception for rape or incest, and which will take effect once a final judgment is entered; and,

**WHEREAS** a 1925 pre-*Roe* Texas law makes performing an abortion punishable by 2 to 10 years in prison and is currently in litigation, when as of July 2, 2022 the Texas Supreme Court ruled that prosecutors may not bring criminal cases against abortion providers, but anyone who assists in the procurement of abortion to fines and lawsuits faces civil liability; and,

**WHEREAS** the Texas Freedom Caucus, comprised of Texas House members, in a letter dated July 7, 2022 to the law firm of Sidley Austin LL, argued that the law firm was "exposing itself and each of its partners to felony criminal prosecution and disbarment" because it offered to pay for its employees who leave Texas for abortion procedures; and,

**WHEREAS** on July 8, 2022, the Biden Administration signed Executive Order Number 14076, *Protecting Access to Reproductive Healthcare Services*, to direct federal agencies to protect medication abortion access, guarantee emergency care to patients under the Emergency Medical Treatment and Labor Act, strengthen contraception access, provide more resources and information regarding abortion access, protect patient data, and protect the security of abortion clinics; and,

**WHEREAS**, on August 3, 2022, President Biden signed an executive order to secure access to reproductive and other healthcare that will 1) support patients traveling out of state for medical care, 2) ensure health care providers comply with federal non-discrimination law, and 3) promote research and data collection on maternal health outcomes; and,

**WHEREAS** on July 14, 2022, the Texas Attorney General filed suit against the Biden Administration arguing that Executive Order 14076 violates the state's sovereign interest; and,

**WHEREAS** the Texas District & County Attorneys Association (TDCAA) in its newsletter dated June 24, 2022 noted that, "there remain many unanswered questions about the enforcement of HB 1280 and other laws that will need to be hashed out by the courts"; and,

**WHEREAS** the El Paso County Commissioners Court recognizes that such statements by members of the State legislature, pending and potential litigation, and lack of clarity on HB 1280's application leave individuals vulnerable to targeted investigations thereby creating an atmosphere of fear and uncertainty for El Paso County residents to both seek and provide appropriate maternity medical care; and,

**WHEREAS** the El Paso County Commissioners Court has a responsibility to protect the health, safety, and general welfare of all its residents to include ensuring that all its residents feel free and safe to seek appropriate medical care; and,

**NOW, THEREFORE, BE IT RESOLVED**, by the El Paso County Judge and Commissioners Court

1. We urge the El Paso County Sheriff's Office and District Attorney's Office to exercise their lawful discretion to not initiate targeted investigations and prosecutions into the crime of abortion;
2. We direct the County Attorney to actively seek participation, as a plaintiff or amicus curia, in on-going or future litigation to protect the availability of abortion medical services in El Paso;
3. We direct that County staff, in consultation with the County Attorney's Office, to review the County's employment health guidelines and bring forward for consideration any policy proposals or amendments to ensure individuals have access to appropriate medical care, unless otherwise prohibited by State or federal law; and

4. *We direct the County Administrator to consider budgetary proposals for FY 2023 or FY 2024 to ensure accessible maternal and child health services for El Paso County residents;*
5. *We direct that an item be added to the El Paso County Legislative Agenda that opposes any legislation that seeks to criminalize or penalize a person seeking medical care that may include an abortion; and*
6. *Finally, we stand in solidarity with individuals who will be impacted by state and federal laws on abortion.*

***SIGNED***, this 8th day of August 2022

\_\_\_\_\_  
*Commissioner Carlos Leon, Pct. 1*

\_\_\_\_\_  
*Commissioner David C. Stout, Pct. 2*

\_\_\_\_\_  
*Commissioner Iliana Holguin, Pct. 3*

\_\_\_\_\_  
*Commissioner Carl L. Robinson, Pct. 4*

\_\_\_\_\_  
*Ricardo A. Samaniego, County Judge*