

# [***Red State Judge Throws Out Three Laws Restricting Abortion***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:6BFN-GRR1-DXXD-700M-00000-00&context=1516831)

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[*Link to Image*](https://cdn01.dailycaller.com/wp-content/uploads/2023/08/GettyImages-1146976792-scaled-e1693427937680.jpg)

A Montana judge ruled Thursday that three of the state's laws limiting abortion were unconstitutional, according to the Daily Montanan.

The laws banned abortion after [*20*](https://leg.mt.gov/bills/2021/billpdf/HB0136.pdf) weeks and by way of [*telehealth*](https://leg.mt.gov/bills/2021/HB0199/HB0171_1.pdf) services, as well as required a 24-hour [*waiting*](https://leg.mt.gov/bills/2021/billpdf/HB0140.pdf) period and two ultrasounds. District Court Judge Kurt Krueger sided with Planned Parenthood of Montana, who filed the lawsuit, arguing that the government should not be able to “infringe” on bodily autonomy any more than it can force someone to have an abortion, [*according*](https://dailymontanan.com/2024/02/29/judge-strikes-down-a-trio-of-abortion-laws-passed-in-21-as-unconstitutional/) to the Daily Montanan. [***(RELATED: Red States Considering Sex Ed Bills That Would Require Students To Watch Pro-Life Video)***](https://dailycaller.com/2024/02/22/red-states-sex-ed-bills-require-students-watch-pro-life-video/)

“Notably, Armstrong rejected the state's attempts to regulate abortion, not on the basis that the procedure should be protected *per se*, but because a woman's right to 'decide up to the point of fetal viability, what her pregnancy demands' implicates her right to 'procreative autonomy.' If the state can infringe on that autonomy 'in favor of birth, then, necessarily it also has the power to require abortion,' neither of which would be acceptable,” Krueger wrote, according to the outlet.

[*Link to Image*](https://cdn01.dailycaller.com/wp-content/uploads/2023/07/GettyImages-1259022129-scaled-e1690316368386.jpg)

WASHINGTON, DC - JUNE 24: Abortion-rights activists march to the U.S. Supreme Court on June 24, 2023 in Washington, DC.  (Photo by Anna Rose Layden/Getty Images)

The laws have been under a preliminary injunction for several years, barring their enforcement as the lawsuit made its way through the courts, [*according*](https://www.ktvh.com/news/montana-judge-rules-three-abortion-related-laws-passed-in-2021-violate-state-constitution#:~:text=%E2%80%9CWe%20are%20relieved%20that%20Montanans,plan%20to%20appeal%20Krueger%27s%20decision.) to KTVH, a local media outlet. The state argued in its case that the 1999 Montana Supreme Court decision declaring that the right to privacy is protected when an infant isn't viable, was made in error.

The judge contended that “It is undisputed that no fetus is presently viable at that point” and called the 20-week ban “ideologically motivated legislation,” according to the Daily Montanan.

Krueger also took issue with Montana's argument that states have a “compelling interest” to preserve human life following the U.S. Supreme Court's decision to [*overturn*](https://dailycaller.com/2022/06/24/roe-v-wade-overturned-supreme-court-dobbs-v-jackson-womens-health/) Roe v. Wade in June 2022, according to the Daily Montanan.

“The state cites Dobbs for its assertion that it has a compelling interest in 'respecting and preserving human life, including prenatal life at all stages of development,' regardless of determinations of viability. But Dobbs does not control here. Federal precedent is not binding on questions of state constitutional law,” Krueger wrote.

Martha Fuller, president and CEO of Planned Parenthood of Montana, said that the organization is “relieved that Montanans will no longer live with the threat of these harmful restrictions taking effect” in a statement to the Daily Montanan. A spokesperson for Republican Attorney General Austin Knudsen said that they plan to appeal the ruling and remain “committed to protecting the health and safety of women and unborn babies in Montana,” according to KTVH.

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**Graphic**

Protesters hold signs as they rally in support of Planned Parenthood and pro-choice and to protest a state decision that would effectively halt abortions by revoking the center's license to perform the procedure, near the Old Courthouse in St. Louis, Missouri, May 30, 2019. (Photo by SAUL LOEB / AFP via Getty Images)

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