

HOUSE BILL NO. 2448

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE HURST.

5379H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapter 188, RSMo, by adding thereto one new section relating to transporting a minor across state lines to obtain an abortion, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 188, RSMo, is amended by adding thereto one new section, to be known as section 188.251, to read as follows:

188.251. 1. No person shall knowingly transport a minor across a state line with the intent that such minor obtain an abortion without the consent or consents required by section 188.028.

2. (1) Any person who violates subsection 1 of this section is guilty of a class E felony, and shall be civilly liable to the minor and to the person or persons required to give the consent or consents under section 188.028.

(2) A court may award damages to the person or persons adversely affected by a violation of subsection 1 of this section, including compensation for emotional injury without the need for personal presence at the act or event, and the court may further award attorney's fees, litigation costs, and punitive damages.

(3) Any adult who engages in or consents to another person engaging in a sex act with a minor in violation of the provisions of chapter 566, 567, 568, or 573 which results in the minor's pregnancy shall not be awarded damages under this section.

(4) A minor transported in violation of this section and any parent or guardian of such minor shall not be prosecuted or sued for a violation of this section.

3. It shall not be a defense to a prosecution or civil claim brought under this section that the abortion was performed or induced in accordance with consent to the abortion

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 given in a manner that is otherwise lawful in the state or place where the abortion was
19 performed or induced.

20 4. It is an affirmative defense to a prosecution or civil claim based on a violation of
21 this section that the defendant reasonably believed, based on information the defendant
22 obtained directly from a parent or guardian of the minor, that before the minor obtained
23 the abortion the consent or consents required under section 188.028 had been obtained.

24 5. An unemancipated minor does not have capacity to consent to any action in
25 violation of this section or section 188.028.

26 6. A court may enjoin conduct that would be in violation of this section upon
27 petition by the attorney general, a prosecuting or circuit attorney, or any person adversely
28 affected or who reasonably may be adversely affected by such conduct, upon a showing
29 that such conduct:

30 (1) Is reasonably anticipated to occur in the future; or

31 (2) Has occurred in the past, whether with the same minor or others, and that it is
32 not unreasonable to expect that such conduct shall be repeated.

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