

FIRST REGULAR SESSION

SENATE BILL NO. 345

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATORS KOENIG, EMERY, EIGEL, HOSKINS, O'LAUGHLIN, BURLISON,
ONDER, BROWN, BERNSKOETTER, WIELAND, CRAWFORD AND WALLINGFORD.

Read 1st time February 5, 2019, and ordered printed.

ADRIANE D. CROUSE, Secretary.

1691S.011

AN ACT

To repeal section 188.010, RSMo, and to enact in lieu thereof two new sections relating to abortion, with penalty provisions and a contingent effective date.

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

Section A. Section 188.010, RSMo, is repealed and two new sections
2 enacted in lieu thereof, to be known as sections 188.010 and 188.017, to read as
3 follows:

188.010. **In recognition that God is the author of life and that**
2 **Article I, Section 2 of the Constitution of Missouri provides that all**
3 **persons have a natural right to life,** it is the intention of the general
4 assembly of the state of Missouri to [grant]:

5 **(1) Defend the right to life [to] of all humans, born and unborn[, and to];**

6 **(2) Declare that the state and all of its political subdivisions are**
7 **a "sanctuary of life" that protects pregnant women and their unborn**
8 **children; and**

9 **(3) Regulate abortion to the full extent permitted by the Constitution of**
10 **the United States, decisions of the United States Supreme Court, and federal**
11 **statutes.**

188.017. 1. **This section shall be known and may be cited as the**
2 **"Right to Life of the Unborn Child Act".**

3 **2. Notwithstanding any other provision of law to the contrary,**
4 **no abortion shall be performed or induced upon a woman, except in**
5 **cases of medical emergency. Any person who knowingly performs or**
6 **induces an abortion of an unborn child in violation of this subsection**
7 **shall be guilty of a class B felony, as well as subject to suspension or**

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

8 revocation of his or her professional license by his or her professional
9 licensing board. A woman upon whom an abortion is performed or
10 induced in violation of this subsection shall not be prosecuted for a
11 conspiracy to violate the provisions of this subsection.

12 **3. It shall be an affirmative defense for any person alleged to**
13 **have violated the provisions of subsection 2 of this section that the**
14 **person performed or induced an abortion because of a medical**
15 **emergency. The defendant shall have the burden of persuasion that the**
16 **defense is more probably true than not.**

Section B. The enactment of section 188.017 of this act shall only become
2 effective upon notification to the revisor of statutes by an opinion by the attorney
3 general of Missouri, a proclamation by the governor of Missouri, or the adoption
4 of a concurrent resolution by the Missouri general assembly that:

5 (1) The United States Supreme Court has overruled, in whole or in part,
6 Roe v. Wade, 410 U.S. 113 (1973), restoring or granting to the state of Missouri
7 the authority to regulate abortion to the extent set forth in section 188.017, and
8 that as a result, it is reasonably probable that section 188.017 of this act would
9 be upheld by the court as constitutional; or

10 (2) An amendment to the Constitution of the United States, has been
11 adopted that has the effect of restoring or granting to the state of Missouri the
12 authority to regulate abortion to the extent set forth in section 188.017.

✓

Copy