

HB 2127 -- ABORTION

SPONSOR: Hurst

COMMITTEE ACTION: Voted "Do Pass" by the Standing Committee on Children and Families by a vote of 7 to 3.

This bill prohibits a person from knowingly transporting a minor across a state line with the intent that such minor obtain an abortion without the consent of the minor's parent or guardian, unless the minor is emancipated or has been granted the right to self-consent or consent via court order, as required under Section 188.028, RSMo. A person who violates these provisions is guilty of a class D felony until December 31, 2016, or a class E felony beginning January 1, 2017, and must also be civilly liable to the minor and the person or persons required to give consent to an abortion under Missouri law. A court may award damages to the person or persons adversely affected by a violation of these provisions, including compensation for emotional injury without the need for personal presence at the act or event, attorneys' fees, litigation costs, and punitive damages. Any adult who engages in or consents to another person engaging in a sex act with a minor that is prohibited by Missouri law that results in the minor's pregnancy must not be awarded damages under these provisions. A minor transported in violation of these provisions and any parent of such minor must not be prosecuted or sued for violation of these provisions.

It must not be a defense to a prosecution or civil claim brought under these provisions that the abortion was performed or induced in accordance with consent to the abortion given in a manner that is otherwise lawful in the state where the abortion was performed or induced. It is an affirmative defense to a prosecution or civil claim under these provisions that the defendant reasonably believed, based on information the defendant obtained directly from a parent of the minor, that before the minor obtained the abortion the consent required under Missouri law was obtained. The bill delineates that an unemancipated minor does not have capacity to consent to any action in violation of these provisions. The bill permits a court to enjoin conduct that would be in violation of these provisions upon petition by the Attorney General, a prosecuting or circuit attorney, or any person adversely affected or who reasonably may be adversely affected by such conduct upon showings as specified in the bill.

PROPONENTS: Supporters say that the bill was drafted in response to a constituent issue where a mother learned her child was taken across state lines for an abortion. The goal is to ensure parents are involved in their kids' lives. Missouri citizens choose to

live in Missouri and as a result choose to be bound by the laws of Missouri. If someone empowers another to circumvent the law they need to be held accountable and there need to be remedies.

Testifying for the bill were Representative Hurst; Missouri Right To Life; Campaign Life Missouri; Americans United For Life; and Joanne Schrader.

OPPONENTS: Those who oppose the bill say that the bill forces young women to rely upon possibly dysfunctional or abusive parents. Not all young women are in situations where they can safely involve their parents in this decision making. The bill criminalizes the provision of assistance from family or friends when a young woman is already in a bad situation and places an undue burden on a woman's right to obtain an abortion.

Testifying against the bill were Naral Pro-Choice Missouri; Planned Parenthood Advocates in Missouri; and Susan Gibson.