

SECOND REGULAR SESSION

# HOUSE BILL NO. 1044

## 93RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES DAVIS (Sponsor), PHILLIPS AND ERVIN (Co-sponsors).

Pre-filed December 1, 2005 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

3179L.01I

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### AN ACT

To amend chapter 566, RSMo, by adding thereto one new section relating to mandatory reporting of certain sexual offenses, with a penalty provision.

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

Section A. Chapter 566, RSMo, is amended by adding thereto one new section, to be  
2 known as section 566.033, to read as follows:

**566.033. 1. Any minor less than fourteen years of age who seeks an abortion in this  
2 state is presumed to be a victim of the crime of statutory rape in the first degree under  
3 section 566.032. Any abortion provider who determines that the person seeking an  
4 abortion is less than fourteen years of age shall comply with the procedures established by  
5 rule for the reporting of the possible crime and for the collection and preservation of  
6 evidence of such crime.**

**7 2. Any abortion provider who determines that a minor between the ages of fourteen  
8 and eighteen is seeking abortion services and such minor provides information to the  
9 provider indicating that the minor may be the victim of a sexual offense under this chapter  
10 shall comply with the procedures established by rule for the reporting of the possible crime  
11 and for the collection and preservation of evidence of such crime.**

**12 3. The departments of public safety and health and senior services shall jointly  
13 promulgate rules to implement the provisions of this section and provide any technical  
14 assistance for abortion providers necessary to ensure compliance with this section.**

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.

15           **4. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,**  
16 **that is created under the authority delegated in this section shall become effective only if**  
17 **it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if**  
18 **applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable**  
19 **and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,**  
20 **to review, to delay the effective date, or to disapprove and annul a rule are subsequently**  
21 **held unconstitutional, then the grant of rulemaking authority and any rule proposed or**  
22 **adopted after August 28, 2006, shall be invalid and void.**

23           **5. Any abortion provider who violates the provisions of this section is guilty of a**  
24 **class A misdemeanor. Any second or subsequent violation of this section is a class D felony.**

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