

SECOND REGULAR SESSION

# HOUSE BILL NO. 1257

## 95TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES SMITH (14) (Sponsor), SMITH (150), WALLACE, FUNDERBURK, GRISAMORE, ALLEN, ROORDA, MCGHEE AND GATSCHENBERGER (Co-sponsors).

3368L.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal section 1.205, RSMo, and to enact in lieu thereof one new section relating to unborn children.

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

Section A. Section 1.205, RSMo, is repealed and one new section enacted in lieu thereof,  
2 to be known as section 1.205, to read as follows:

1.205. 1. The general assembly of this state finds that:

2 (1) The life of each human being begins at conception;

3 (2) Unborn children have protectable interests in life, health, and well-being;

4 (3) The natural parents of unborn children have protectable interests in the life, health,  
5 and well-being of their unborn child.

6 2. Effective January 1, 1988, the laws of this state shall be interpreted and construed to  
7 acknowledge on behalf of the unborn child at every stage of development, all the rights,  
8 privileges, and immunities available to other persons, citizens, and residents of this state, subject  
9 only to the Constitution of the United States, and decisional interpretations thereof by the United  
10 States Supreme Court and specific provisions to the contrary in the statutes and constitution of  
11 this state.

12 3. As used in this section, the term "unborn children" or "unborn child" shall include all  
13 unborn child or children or the offspring of human beings from the moment of conception until  
14 birth at every stage of biological development.

15 4. Nothing in this section shall be interpreted as creating a **civil** cause of action against  
16 a woman for indirectly harming her unborn child by failing to properly care for herself or by

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.

17 failing to follow any particular program of prenatal care. **Nothing in this section shall be**  
18 **construed to prevent any criminal cause of action or prosecution for any harm to an**  
19 **unborn child resulting from the mother's intentional ingestion or use of illegal controlled**  
20 **substances.**

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