

HB 182 -- TRANSPORTING MINOR FOR ABORTION

SPONSOR: Hurst

COMMITTEE ACTION: Voted "Do Pass" by the Standing Committee on Children and Families by a vote of 7 to 1. Voted "Do Pass" by the Committee on Rules- Legislative Oversight by a vote of 6 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 E felony 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.

This bill is the same as HB 2127 (2016).

PROPONENTS: Supporters say that the bill requires consent of a guardian or parent for the minor to obtain an abortion when the

minor child crosses state lines in order to get an abortion. The developing brain of a juvenile isn't mature enough to make important life decisions without being impulsive. Having a parent assist in making these decisions is important.

Testifying for the bill were Representative Hurst; Campaign Life Missouri; Missouri Right To Life; Students For Life of America; Concerned Women For America of Missouri; Kathy Forck; Kerry K. Messer; and Joanne M. Schrader.

OPPONENTS: Those who oppose the bill say that children that live in violent homes are in difficult situations in which involving the parent in these sorts of decisions will result in placing the child in danger. In addition, healthcare is very complex and government intrusion should not be inserted into personal medical decisions.

Testifying against the bill were Planned Parenthood; Naral Pro-Choice Missouri; Emma Braun; Sarah Nesbitt; Ellen Schapiro; Derek Bansas; Sarah Birdsall; Valerie French; Alex Johnson; Enh Kappler; ACLU Missouri; Susan Gibson, Capitol Area Missouri Now; Alexandra Rubin; and Christine Horan.