

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for House Bill No. 1563, Page 1, Section A, Line 3, by
2 inserting after all of said section and line the following:

3
4 "188.017. 1. This section shall be known and may be cited as the "Right to Life of the
5 Unborn Child Act".

6 2. Notwithstanding any other provision of law to the contrary, no abortion shall be
7 performed or induced upon a woman, except in cases where the pregnancy was the result of the
8 woman being a victim of rape or incest, where the woman is twelve years of age or younger, in
9 which an abortion may be performed or induced prior to fetal viability, or in cases of medical
10 emergency. Any person who knowingly performs or induces an abortion of an unborn child in
11 violation of this subsection shall be guilty of a class B felony, as well as subject to suspension or
12 revocation of his or her professional license by his or her professional licensing board. A woman
13 upon whom an abortion is performed or induced in violation of this subsection shall not be
14 prosecuted for a conspiracy to violate the provisions of this subsection.

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

19 4. The enactment of this section shall only become effective upon notification to the revisor
20 of statutes by an opinion by the attorney general of Missouri, a proclamation by the governor of
21 Missouri, or the adoption of a concurrent resolution by the Missouri general assembly that:

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

26 (2) An amendment to the Constitution of the United States has been adopted that has the
27 effect of restoring or granting to the state of Missouri the authority to regulate abortion to the extent
28 set forth in this section; or

29 (3) The United States Congress has enacted a law that has the effect of restoring or granting
30 to the state of Missouri the authority to regulate abortion to the extent set forth in this section."; and

31
32 Further amend said bill by amending the title, enacting clause, and intersectional references
33 accordingly.

Action Taken _____ Date _____