

HB 2159 -- ABORTION

SPONSOR: Hurst

COMMITTEE ACTION: Voted "Do Pass" by the Standing Committee on Children and Families by a vote of 7 to 2. Voted "Do Pass" by the Standing Committee on Rules- Legislative Oversight by a vote of 7 to 4.

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 by the bill (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. 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 182 (2017) and HB 2127 (2016).

PROPONENTS: Supporters say that this bill only increases penalties

if you take a minor across state lines to have an abortion, which is already in statute. This bill does not prevent the abortion or interstate travel.

Testifying for the bill were Representative Hurst; Mary Staggs; Karen Leydens; James Coyne; Leslie Kerns, Pregnancy Help Center; Erma Stogsdill; Sandra Ballenger; Stephanie Jacobson; Yvonne Rottjakob; Jane Britton; Don Hinkle, Missouri Baptist Convention; Richard Hronick; Rev. Richard W. Frank; Lois Hogan; Carol Fay; Concerned Women for America of Missouri; and Missouri Right To Life.

OPPONENTS: Those who oppose the bill say that the state cannot regulate good family communication. A minor may be the victim of family violence, so requiring parental consent could harm the minor.

Testifying against the bill were Yvonne Treece, MD, Falog; NARAL Pro-Choice Missouri; American Civil Liberties Union of Missouri; Planned Parenthood Advocates; and Ellen Schapiro.