

FIRST REGULAR SESSION

HOUSE BILL NO. 971

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE RICHEY.

2103H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 188.035, RSMo, and to enact in lieu thereof one new section relating to abortion, with penalty provisions.

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

Section A. Section 188.035, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 188.035, to read as follows:

188.035. **1. This section shall be known and may be cited as the "Born-Alive Abortion Survivors Protection Act".**

2. Whoever ~~[with intent to do so, shall take the life]~~ knowingly causes the death of a child ~~[aborted alive,]~~ who was born alive during or immediately after an attempted abortion shall be guilty of murder ~~[of]~~ in the second degree under section 565.021.

3. Whoever recklessly causes the death of a child who was born alive during or immediately after an attempted abortion shall be guilty of involuntary manslaughter in the first degree under section 565.024.

4. Whoever, with criminal negligence, causes the death of a child who was born alive during or immediately after an attempted abortion shall be guilty of involuntary manslaughter in the second degree under section 565.027.

5. In any circumstance where a person unlawfully performs or induces an abortion or attempts to perform or induce an abortion, the parents and the siblings of the deceased or unborn child shall be entitled to bring an action for wrongful death under chapter 537 against the person who performed or induced or attempted to perform or induce the abortion. Damages may be recovered for medical, hospital, and medication expenses, loss of services and support, loss of love and companionship of the child and sibling, and for

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.

18 **injury to or destruction of the parent-child-sibling relationship in such amount as, under**
19 **all the circumstances of the case, may be just.**

✓