

FIRST REGULAR SESSION

HOUSE BILL NO. 1017

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SCHNELTING.

2157H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 188.010, RSMo, and to enact in lieu thereof two new sections relating to abortion, with penalty provisions and a contingent effective date.

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

Section A. Section 188.010, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 188.010 and 188.017, to read as follows:

188.010. **In recognition that God is the author of life and that Article I, Section 2 of the Constitution of Missouri provides that all persons have a natural right to life**, it is the intention of the general assembly of the state of Missouri to ~~grant~~ :

(1) **Defend** the right to life ~~[to]~~ of all humans, born and unborn~~[-and to]~~ ;

(2) **Declare that the state and all of its political subdivisions are a "sanctuary of life" that protects pregnant women and their unborn children; and**

(3) Regulate abortion to the full extent permitted by the Constitution of the United States, decisions of the United States Supreme Court, and federal statutes.

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

2. Notwithstanding any other provision of law to the contrary, no abortion shall be performed or induced upon a woman, except in cases of medical emergency. Any person who knowingly performs or induces an abortion of an unborn child in violation of this subsection shall be guilty of a class B felony, as well as subject to suspension or revocation of his or her professional license by his or her professional licensing board. A woman upon whom an abortion is performed or induced in violation of this subsection shall not be prosecuted for a conspiracy to violate the provisions of this subsection.

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.

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

 Section B. The enactment of section 188.017 of this act shall only become effective upon
2 notification to the revisor of statutes by an opinion by the attorney general of Missouri, a
3 proclamation by the governor of Missouri, or the adoption of a concurrent resolution by the
4 Missouri general assembly that:

5 (1) The United States Supreme Court has overruled, in whole or in part, *Roe v. Wade*,
6 410 U.S. 113 (1973), restoring or granting to the state of Missouri the authority to regulate
7 abortion to the extent set forth in section 188.017, and that as a result, it is reasonably probable
8 that section 188.017 of this act would be upheld by the court as constitutional;

9 (2) An amendment to the Constitution of the United States has been adopted that has the
10 effect of restoring or granting to the state of Missouri the authority to regulate abortion to the
11 extent set forth in section 188.017; or

12 (3) The United States Congress has enacted a law that has the effect of restoring or
13 granting to the state of Missouri the authority to regulate abortion to the extent set forth in
14 section 188.017.

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