

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By

1 AMEND House Committee Substitute for Senate Bill No. 686, Page 13, Section 144.805, Line 34,  
2 by inserting after all of said section and line the following:

3  
4 "188.251. 1. No person shall knowingly transport a minor across a state line with the intent  
5 that such minor obtain an abortion without the consent or consents required by section 188.028.

6 2. (1) Any person who violates subsection 1 of this section is guilty of a class E felony, and  
7 shall be civilly liable to the minor and to the person or persons required to give the consent or  
8 consents under section 188.028.

9 (2) A court may award damages to the person or persons adversely affected by a violation of  
10 subsection 1 of this section, including compensation for emotional injury without the need for  
11 personal presence at the act or event, and the court may further award attorney's fees, litigation  
12 costs, and punitive damages.

13 (3) Any adult who engages in or consents to another person engaging in a sex act with a  
14 minor in violation of the provisions of chapter 566, 567, 568, or 573 which results in the minor's  
15 pregnancy shall not be awarded damages under this section.

16 (4) A minor transported in violation of this section and any parent or guardian of such minor  
17 shall not be prosecuted or sued for a violation of this section.

18 3. It shall not be a defense to a prosecution or civil claim brought under this section that the  
19 abortion was performed or induced in accordance with consent to the abortion given in a manner  
20 that is otherwise lawful in the state or place where the abortion was performed or induced.

21 4. It is an affirmative defense to a prosecution or civil claim based on a violation of this  
22 section that the defendant reasonably believed, based on information the defendant obtained directly  
23 from a parent or guardian of the minor, that before the minor obtained the abortion the consent or  
24 consents required under section 188.028 had been obtained.

25 5. An unemancipated minor does not have capacity to consent to any action in violation of  
26 this section or section 188.028.

27 6. A court may enjoin conduct that would be in violation of this section upon petition by the  
28 attorney general, a prosecuting or circuit attorney, or any person adversely affected or who  
29 reasonably may be adversely affected by such conduct, upon a showing that such conduct:

30 (1) Is reasonably anticipated to occur in the future; or

31 (2) Has occurred in the past, whether with the same minor or others, and that it is not  
32 unreasonable to expect that such conduct shall be repeated."; and

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

Action Taken \_\_\_\_\_ Date \_\_\_\_\_