

SECOND EXTRAORDINARY SESSION

SENATE BILL NO. 5

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR KOENIG.

Read 1st time June 12, 2017, and ordered printed.

ADRIANE D. CROUSE, Secretary.

2440S.01I

AN ACT

To repeal section 188.075, RSMo, and to enact in lieu thereof one new section relating to the jurisdiction of the attorney general to enforce state abortion laws, with penalty provisions.

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

Section A. Section 188.075, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 188.075, to read as follows:

188.075. 1. Any person who contrary to the provisions of sections 188.010
2 to 188.085 knowingly performs, induces, or aids in the performance or inducing
3 of any abortion or knowingly fails to perform any action required by sections
4 188.010 to 188.085 shall be guilty of a class A misdemeanor, unless a different
5 penalty is provided for in state law, and, upon conviction, shall be punished as
6 provided by law.

7 2. It shall be an affirmative defense for any person alleged to have
8 violated any provision of this chapter that the person performed an action or did
9 not perform an action because of a medical emergency. This affirmative defense
10 shall be available in criminal, civil, and administrative actions or
11 proceedings. The defendant shall have the burden of persuasion that the defense
12 is more probably true than not.

13 **3. The attorney general shall have concurrent original**
14 **jurisdiction throughout the state, along with each prosecuting attorney**
15 **and circuit attorney within their respective jurisdictions, to commence**
16 **actions for a violation of any provision of this chapter, for a violation**
17 **of any state law on the use of public funds for an abortion, or for a**
18 **violation of any state law which regulates an abortion facility or a**
19 **person who performs or induces an abortion. The attorney general, or**

20 prosecuting attorney or circuit attorney within their respective
21 jurisdictions, may seek injunctive or other relief against any person
22 who, or entity which, is in violation of any provision of this chapter,
23 misuses public funds for an abortion, or violates any state law which
24 regulates an abortion facility or a person who performs or induces an
25 abortion.

✓

Unofficial

Bill

Copy