

SENATE AMENDMENT NO. _____

offered by McCreery of 24th

Amend SS/SCS/Sen Bill No. 1168 & 810, Page 1, Section A, Line 4,

2 by inserting after all of said line the following:

3 "188.017. 1. This section shall be known and may be
4 cited as the "Right to Life of the Unborn Child Act".

5 2. Notwithstanding any other provision of law to the
6 contrary, no abortion shall be performed or induced upon a
7 woman, except in cases of medical emergency or in cases
8 where the pregnancy was the result of a woman being a victim
9 of rape. Any person who knowingly performs or induces an
10 abortion of an unborn child in violation of this subsection
11 shall be guilty of a class B felony, as well as subject to
12 suspension or revocation of his or her professional license
13 by his or her professional licensing board. A woman upon
14 whom an abortion is performed or induced in violation of
15 this subsection shall not be prosecuted for a conspiracy to
16 violate the provisions of this subsection.

17 3. It shall be an affirmative defense for any person
18 alleged to have violated the provisions of subsection 2 of
19 this section that the person performed or induced an
20 abortion because of a medical emergency. The defendant
21 shall have the burden of persuasion that the defense is more
22 probably true than not.

23 4. The enactment of this section shall only become
24 effective upon notification to the revisor of statutes by an
25 opinion by the attorney general of Missouri, a proclamation

26 by the governor of Missouri, or the adoption of a concurrent
27 resolution by the Missouri general assembly that:

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

35 (2) An amendment to the Constitution of the United
36 States has been adopted that has the effect of restoring or
37 granting to the state of Missouri the authority to regulate
38 abortion to the extent set forth in this section; or

39 (3) The United States Congress has enacted a law that
40 has the effect of restoring or granting to the state of
41 Missouri the authority to regulate abortion to the extent
42 set forth in this section."; and

43 Further amend the title and enacting clause accordingly.