

FIRST REGULAR SESSION

SENATE BILL NO. 45

90TH GENERAL ASSEMBLY

INTRODUCED BY SENATORS KINDER, STEELMAN, KLARICH, FLOTRON, YECKEL, RUSSELL, CHILDERS,
SINGLETON, GRAVES, ROHRBACH, MUELLER, WESTFALL, KENNEY AND BENTLEY.

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S0525.011

TERRY L. SPIELER, Secretary.

AN ACT

To repeal sections 188.015, 188.035 and 188.075, RSMo 1994, relating to abortions, and to enact in lieu thereof three new sections relating to banning certain forms of infanticide, including infanticide by partial birth abortion, with penalty provisions.

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

Section A. Sections 188.015, 188.035 and 188.075, RSMo 1994, are repealed and three new sections enacted in lieu thereof, to be known as sections 188.015, 188.035 and 188.075, to read as follows:

188.015. [Unless the language or context clearly indicates a different meaning is intended, the following words or phrases for the purposes of sections 188.010 to 188.130 shall be given the meaning ascribed to them] **As used in this chapter, the following terms shall mean:**

(1) "Abortion", the intentional destruction of the life of an embryo or fetus in his or her mother's womb or the intentional termination of the pregnancy of a mother with an intention other than to increase the probability of a live birth or to remove a dead or dying unborn child;

(2) "Abortion facility", a clinic, physician's office, or any other place or facility in which abortions are performed other than a hospital;

(3) "Conception", the fertilization of the ovum of a female by a sperm of a male;

(4) "Gestational age", length of pregnancy as measured from the first day of the woman's last menstrual period;

(5) **"Live birth", the meaning specified in section 193.015, RSMo;**

(6) **"Partial birth abortion", an abortion in which the child is intentionally:**

(a) **Delivered intact a substantial part of the way out of his or her mother's**

EXPLANATION--Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

womb for the purpose of killing the child; and

(b) Killed while the child is a substantial part of the way out of his or her mother's womb;

[(5)] **(7)** "Physician", any person licensed to practice medicine in this state by the state board of registration of the healing arts;

[(6)] **(8)** "Unborn child", the offspring of human beings from the moment of conception until birth and at every stage of its biological development, including the human conceptus, zygote, morula, blastocyst, embryo, and fetus;

[(7)] **(9)** "Viability", that stage of fetal development when the life of the unborn child may be continued indefinitely outside the womb by natural or artificial life-supportive systems.

188.035. **1.** [Whoever, with intent to do so, shall take the life of a child aborted alive, shall be guilty of murder of the second degree.] **No person shall knowingly kill a child by performing or inducing a partial birth abortion on the child's mother unless such partial birth abortion is necessary to preserve the life of the mother.**

2. No person shall knowingly kill a child after an abortion or an attempted abortion which resulted in the live birth of such child.

3. Any person who violates the provisions of this section is guilty of murder in the second degree.

188.075. Any person who contrary to the provisions of sections 188.010 to 188.085 knowingly performs or aids in the performance of any abortion or knowingly fails to perform any action required by sections 188.010 to 188.085 [shall be] **is** guilty of a class A misdemeanor, **unless a different penalty is specifically provided**, and, upon conviction, shall be punished as provided by law.

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