MISSISSIPPI LEGISLATURE

By: Representative Eubanks

REGULAR SESSION 2024

To: Judiciary B

HOUSE BILL NO. 713

AN ACT TO CREATE THE CRIME OF ABORTION TRAFFICKING; TO PROHIBIT ANY PERSON FROM TRANSPORTING A PREGNANT UNEMANCIPATED MINOR ACROSS STATE LINES FOR AN ABORTION WITH THE CONSENT OF THE MINOR'S PARENT OR GUARDIAN; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. (1) For purposes of this act, the following definitions shall apply:

(a) "Abortion" means the use of any instrument, medicine, drug or any other substance or device with intent to terminate the pregnancy of a woman known to be pregnant, with intent other than to increase the probability of a live birth, to preserve the life or health of the child after live birth, or to remove a dead fetus.

(b) "Emancipated minor" means any minor who is or has by court order or otherwise been freed from the care, custody and control of her parents or legal guardian;

(c) "Minor" means any person under the age of eighteen (18) years; and
(d) "Unemancipated Minor" means any minor who is legally under the care, custody and control of her parents or a legal guardian.

(2) An adult who, with the intent to conceal an abortion from the parents or guardian of a pregnant, unemancipated minor, either procures an abortion, as described in, or obtains an abortion inducing drug for the pregnant minor to use for an abortion, by recruiting, harboring, or transporting the pregnant minor within this state or outside this state commits the crime of abortion trafficking. As used in this subsection, the terms "procure" and "obtain" shall not include the providing of information regarding a health benefit plan.

(3) It shall be an affirmative defense to a prosecution under this act that a parent or guardian of the pregnant minor consented to trafficking of the minor.

(4) It shall not be an affirmative defense to a prosecution under this act that the abortion provider or the abortion inducing drug provider is located in another state.

(5) The Mississippi Attorney General has the authority, in his or her sole discretion, to prosecute a person for a criminal violation of this act if the prosecuting attorney authorized to prosecute criminal violations of this act refuses to prosecute violations of any of the provisions of this act by any person without regard to the facts or circumstances.
(6) Any person who commits the crime of abortion trafficking, as provided in this act, shall be guilty of a felony and, upon conviction, be punished by a fine not less than One Thousand Dollars ($1,000.00) nor more than Ten Thousand Dollars ($10,000.00), or imprisoned in the custody of the Department of Corrections for no less than two (2) years nor more than five (5) years, or both.

SECTION 2. This act shall take effect and be in force from and after July 1, 2024.