

FIRST REGULAR SESSION

# HOUSE BILL NO. 1307

## 98TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE HUBRECHT.

2647H.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To amend chapter 188, RSMo, by adding thereto one new section relating to a civil cause of action for fraudulent misrepresentation in order to obtain an abortion for a minor.

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

Section A. Chapter 188, RSMo, is amended by adding thereto one new section, to be known as section 188.032, to read as follows:

**188.032. 1. Any person who knowingly or recklessly uses a false governmental record or makes a fraudulent representation or statement in order to obtain an abortion for a minor in violation of section 188.028 or intentionally causes, aids, abets, or assists an unemancipated minor to obtain an abortion without the consent required by section 188.028 or any physician who intentionally or knowingly performs an abortion on a pregnant unemancipated minor in violation of this chapter shall be civilly liable to the minor and to the person or persons required to give consent under section 188.028. A court may award damages to the person or persons adversely affected by a violation of this section including compensation for emotional injury without the need for personal presence at the act or event, and the court may further award attorneys' fees, litigation costs, and punitive damages. Any adult who engages in or consents to another person engaging in a sexual act with a minor, which results in the minor's pregnancy, shall not be awarded damages under this section.**

**2. A court of competent jurisdiction may enjoin conduct that would be in violation of this section upon petition by the attorney general, a district attorney, or any person adversely affected or who reasonably may be adversely affected by such conduct, upon a showing that such conduct:**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

- 18           **(1) Is reasonably anticipated to occur in the future; or**  
19           **(2) Has occurred in the past, whether with the same minor or another, and that it**  
20 **is reasonably foreseeable to be repeated.**

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