

HOUSE BILL NO. 609

INTRODUCED BY K. SEEKINS-CROWE, J. GILLETTE, L. SCHUBERT

A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING THE CRIMINAL OFFENSE OF ABORTION TRAFFICKING; PROHIBITING A PERSON FROM TRANSPORTING AN UNBORN CHILD WITHIN OR OUTSIDE OF THE STATE FOR THE PURPOSE OF PROCURING AN ABORTION THAT IS ILLEGAL IN MONTANA; AMENDING SECTION 50-20-112, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."

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

NEW SECTION. Section 1. Abortion trafficking. (1) A person commits the offense of abortion trafficking if the person purposely or knowingly transports or aids or assists another person in transporting an unborn child that is currently located in this state either to a location within this state or to a location outside of this state with the intent to obtain an abortion that is illegal in this state.

(2) A person convicted of the offense of abortion trafficking shall be fined an amount not to exceed \$1,000 or imprisoned in the state prison for a term not to exceed 5 years, or both.

(3) As used in this section, "purposely" and "knowingly" have the same meanings as provided in 45-2-101.

Section 2. Section 50-20-112, MCA, is amended to read:

"50-20-112. Penalties. (1) A person convicted of deliberate, mitigated, or negligent homicide under this chapter is subject to the penalties prescribed by 45-5-102 through 45-5-104.

(2) A person convicted of a felony other than deliberate, mitigated, or negligent homicide under this chapter is subject to a fine not to exceed \$1,000, imprisonment in the state prison for a term not to exceed 5 years, or both.

(3) A person convicted of a misdemeanor under this chapter is subject to a fine not to exceed \$500, imprisonment in the county jail for a term not to exceed 6 months, or both.

1 (4) (a) A Except as provided in subsection (4)(c), a penalty may not be imposed against the
2 woman upon whom the abortion is performed or attempted to be performed.

3 (b) A penalty may not be imposed for failure to comply with the provision of 50-20-106 that
4 requires a written certification that the woman has been informed of the opportunity to review the information
5 referred to in 50-20-304 if the department has not made the written materials available at the time that the
6 physician or the physician's agent is required to inform the woman of the right to review the materials.

7 (c) A penalty may be imposed against the mother of an unborn child for a violation of [section 1]."
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9 NEW SECTION. Section 3. Codification instruction. [Section 1] is intended to be codified as an
10 integral part of Title 50, chapter 20, part 1, and the provisions of Title 50, chapter 20, part 1, apply to [section 1].
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12 NEW SECTION. Section 4. Effective date. [This act] is effective on passage and approval.
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14 NEW SECTION. Section 5. Applicability. [This act] applies to acts committed on or after [the
15 effective date of this act].
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