HOUSE BILL NO. 632

AN ACT TO AMEND SECTIONS 41-41-53 AND 97-3-3, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT IT SHALL BE A FELONY TO TRANSPORT AN UNEMANCIPATED MINOR TO ANOTHER STATE FOR AN ABORTION WITHOUT PARENTAL CONSENT; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 41-41-53, Mississippi Code of 1972, is amended as follows:

41-41-53. (1) Except as otherwise provided in subsections (2) and (3) of this section, no person shall perform an abortion upon an unemancipated minor or transport an unemancipated minor to another state for an abortion unless he or his agent first obtains the written consent of both parents or the legal guardian of the minor.

(2) (a) If the minor's parents are divorced or otherwise unmarried and living separate and apart, then the written consent of the parent with primary custody, care and control of such minor shall be sufficient.

(b) If the minor's parents are married and one (1) parent is not available to the person performing the abortion in a reasonable time and manner, then the written consent of the parent who is available shall be sufficient.

(c) If the minor's pregnancy was caused by sexual intercourse with the minor's natural father, adoptive father or stepfather, then the written consent of the minor's mother shall be sufficient.

(3) A minor who elects not to seek or does not obtain consent from her parents or legal guardian under this section may petition, on her own behalf or by next friend, the chancery court...
in the county in which the minor resides or in the county in which
the abortion is to be performed for a waiver of the consent
requirement of this section pursuant to the procedures of Section
41-41-55.

SECTION 2. Section 97-3-3, Mississippi Code of 1972, is
amended as follows:

97-3-3. (1) Any person wilfully and knowingly causing, by
means of any instrument, medicine, drug or other means whatever,
any woman pregnant with child to abort or miscarry, or attempts to
procure or produce an abortion or miscarriage, or transport an
unemancipated minor to another state for an abortion without
parental consent as provided in Section 41-41-53 shall be guilty
of a felony unless the same were done by a duly licensed,
practicing physician:

(a) Where necessary for the preservation of the
mother's life;

(b) Where pregnancy was caused by rape.

Said person shall, upon conviction, be imprisoned in the
State Penitentiary not less than one (1) year nor more than ten
(10) years; provided, however, if the death of the mother results
therefrom, the person procuring, causing or attempting to procure
or cause the illegal abortion or miscarriage shall be guilty of
murder.

(2) No act prohibited in subsection (1) of this section
shall be considered exempt under the provisions of subparagraph
(a) thereof unless performed upon the prior advice in writing, of
two (2) reputable licensed physicians.

(3) The license of any physician or nurse shall be
automatically revoked upon conviction under the provisions of this
section.

(4) Nothing in this section shall be construed as
conflicting with Section 41-41-73.
SECTION 3. This act shall take effect and be in force from and after July 1, 2007.