

By: Representative Eubanks

To: Judiciary B

## HOUSE BILL NO. 1041

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

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

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

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

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

17 (c) "Minor" means any person under the age of eighteen  
18 (18) years; and



19           (d) "Unemancipated Minor" means any minor who is  
20 legally under the care, custody and control of her parents or a  
21 legal guardian.

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

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

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

37           (5) The Mississippi Attorney General has the authority, in  
38 his or her sole discretion, to prosecute a person for a criminal  
39 violation of this act if the prosecuting attorney authorized to  
40 prosecute criminal violations of this act refuses to prosecute  
41 violations of any of the provisions of this act by any person  
42 without regard to the facts or circumstances.



43           (6) Any person who commits the crime of abortion  
44 trafficking, as provided in this act, shall be guilty of a felony  
45 and, upon conviction, be punished by a fine not less than One  
46 Thousand Dollars (\$1,000.00) nor more than Ten Thousand Dollars  
47 (\$10,000.00), or imprisoned in the custody of the Department of  
48 Corrections for no less than two (2) years nor more than five (5)  
49 years, or both.

50           **SECTION 2.** This act shall take effect and be in force from  
51 and after July 1, 2025.

