

By: Senator(s) Fillingane, Hewes, Kirby, Albritton, Burton, Carmichael, Chaney, Clarke, Davis, Flowers, Jackson (15th), King, Lee (35th), Little, Morgan, Nunnelee, Pickering, Ross, Walley

To: Public Health and Welfare

SENATE BILL NO. 2391

1 AN ACT TO AMEND SECTION 41-41-55, MISSISSIPPI CODE OF 1972,  
2 TO PROVIDE THAT MINORS WHO SEEK TO WAIVE THE PARENTAL CONSENT  
3 REQUIREMENT FOR AN ABORTION MAY NOT OBTAIN THE ABORTION UNTIL THE  
4 COURT GRANTS A WAIVER OF THE CONSENT REQUIREMENT; AND FOR RELATED  
5 PURPOSES.

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

7 **SECTION 1.** Section 41-41-55, Mississippi Code of 1972, is  
8 amended as follows:

9 41-41-55. (1) The requirements and procedures under  
10 Sections 41-41-51 through 41-41-63 shall apply and are available  
11 to minors whether or not they are residents of this state.

12 (2) The minor may participate in proceedings in the court on  
13 her own behalf. The court shall advise her that she has a right  
14 to court-appointed counsel and shall provide her with such counsel  
15 upon her request or if she is not already adequately represented.

16 (3) Court proceedings under this section shall be  
17 confidential and anonymous and shall be given such precedence over  
18 other pending matters as is necessary to insure that the court may  
19 reach a decision promptly, but in no case shall the court fail to  
20 rule within seventy-two (72) hours of the time the application is  
21 filed. If for any reason the court fails to rule \* \* \* on the  
22 minor's application, the minor may not obtain the abortion. The  
23 court must grant a waiver of the consent requirement of Section  
24 41-41-53 before the minor may obtain an abortion.

25 (4) Consent shall be waived if the court finds either:

26 (a) That the minor is mature and well-informed enough  
27 to make the abortion decision on her own; or

28           (b) That performance of the abortion would be in the  
29 best interests of the minor.

30           (5) A court that conducts proceedings under this section  
31 shall issue written and specific factual findings and legal  
32 conclusions supporting its decision and shall order that a  
33 confidential record of the evidence be maintained.

34           (6) An expedited confidential and anonymous appeal shall be  
35 available to any minor to whom the court denies a waiver of  
36 consent. The Mississippi Supreme Court shall issue promptly such  
37 rules and regulations as are necessary to insure that proceedings  
38 under Sections 41-41-51 through 41-41-63 are handled in an  
39 expeditious, confidential and anonymous manner.

40           (7) No filing fees shall be required of any minor who avails  
41 herself of the procedures provided by this section.

42           **SECTION 2.** This act shall take effect and be in force from  
43 and after July 1, 2007.