

105TH CONGRESS
2D SESSION

S. 1645

To amend title 18, United States Code, to prohibit taking minors across State lines to avoid laws requiring the involvement of parents in abortion decisions.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 12, 1998

Mr. ABRAHAM (for himself, Mr. LOTT, Mr. DEWINE, Mr. INHOFE, Mr. NICKLES, Mr. COVERDELL, Mr. HELMS, Mr. COATS, Mr. SESSIONS, Mr. ENZI, Mr. CRAIG, Mr. KYL, Mr. HATCH, Mr. FAIRCLOTH, Mr. BROWNBACK, Mr. SANTORUM, Mr. MCCONNELL, Mr. HUTCHINSON, Mr. BOND, and Mr. GRASSLEY) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend title 18, United States Code, to prohibit taking minors across State lines to avoid laws requiring the involvement of parents in abortion decisions.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Child Custody Protec-
5 tion Act”.

1 **SEC. 2. TRANSPORTATION OF MINORS TO AVOID CERTAIN**
 2 **LAWS RELATING TO ABORTION.**

3 (a) IN GENERAL.—Title 18, United States Code, is
 4 amended by inserting after chapter 117 the following:

5 **CHAPTER 117A—TRANSPORTATION OF MI-**
 6 **NORS TO AVOID CERTAIN LAWS RE-**
 7 **LATING TO ABORTION**

“Sec.

“2401. Transportation of minors to avoid certain laws relating to abortion.

8 **“§ 2401. Transportation of minors to avoid certain**
 9 **laws relating to abortion**

10 “(a) OFFENSE.—Except as provided in subsection
 11 (b), whoever knowingly transports an individual who has
 12 not attained the age of 18 years across a State line, with
 13 the intent such individual obtain an abortion, if in fact
 14 the requirements of a law, requiring parental involvement
 15 in a minor’s abortion decision, in the State where the indi-
 16 vidual resides, are not met before the individual obtains
 17 the abortion, shall be fined under this title or imprisoned
 18 not more than one year, or both.

19 “(b) EXCEPTION.—The prohibition of subsection (a)
 20 does not apply if the abortion was necessary to save the
 21 life of the minor because her life was endangered by a
 22 physical disorder, physical injury, or physical illness, in-
 23 cluding a life endangering physical condition caused by or
 24 arising from the pregnancy itself.

1 “(c) CIVIL ACTION.—Any parent or guardian who
2 suffers legal harm from a violation of subsection (a) may
3 obtain appropriate relief in a civil action.

4 “(d) DEFINITIONS.—For the purposes of this sec-
5 tion—

6 “(1) a law requiring parental involvement in a
7 minor’s abortion decision is a law—

8 “(A) requiring, before an abortion is per-
9 formed on a minor, either—

10 “(i) the notification to, or consent of,
11 a parent or guardian of that minor; or

12 “(ii) proceedings in a State court; and

13 “(B) that does not provide as an alter-
14 native to the requirements described in sub-
15 paragraph (A) notification to or consent of any
16 person or entity who is not described in that
17 subparagraph;

18 “(2) the term ‘minor’ means an individual who
19 is not older than the maximum age requiring paren-
20 tal notification or consent, or proceedings in a State
21 court, under the law requiring parental involvement
22 in a minor’s abortion decision; and

23 “(3) the term ‘State’ includes the District of
24 Columbia and any commonwealth, possession, or
25 other territory of the United States.”.

1 (b) CLERICAL AMENDMENT.—The table of chapters
2 for part I of title 18, United States Code, is amended by
3 inserting after the item relating to chapter 117 the follow-
4 ing new item:

“117A. Transportation of minors to avoid certain laws relating to
 abortion 2401.”.

