

108TH CONGRESS  
1ST SESSION

# H. R. 1755

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

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 10, 2003

Ms. ROS-LEHTINEN (for herself, Mr. BUYER, Mr. CHABOT, Mr. POMBO, Mr. WALSH, Mr. SOUDER, Mr. CUNNINGHAM, Mr. TIAHRT, Mr. BRADY of Texas, Mr. GREEN of Wisconsin, Mr. LIPINSKI, Mr. JANKLOW, Mr. NEY, Mr. SMITH of Texas, Mr. LEWIS of Kentucky, Mr. BLUNT, Mrs. EMERSON, Mr. COLLINS, Mr. LINDER, Mrs. CUBIN, Mr. WILSON of South Carolina, Mr. RENZI, Mr. GOODLATTE, Mr. MCCRERY, Mrs. NORTHUP, Mr. PETERSON of Pennsylvania, Mr. FOSSELLA, Mr. KENNEDY of Minnesota, Mr. BERRY, Mr. DELAY, Mr. HYDE, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. SMITH of New Jersey, Mr. PITTS, Mrs. JO ANN DAVIS of Virginia, Mrs. BLACKBURN, Mrs. MILLER of Michigan, Ms. HART, Mrs. MUSGRAVE, Mr. AKIN, Mrs. MYRICK, Mr. WELDON of Florida, Mr. BARTON of Texas, Mr. SCHROCK, Mr. COSTELLO, Mr. TERRY, Mr. PORTMAN, Mr. KING of New York, Mr. GOODE, Mr. PUTNAM, Mr. MCINTYRE, Mr. BAKER, Mr. ADERHOLT, Mr. DEAL of Georgia, Mr. LATOURETTE, Mr. CANTOR, Mr. RYUN of Kansas, Mr. KING of Iowa, Mr. OBERSTAR, Mr. PENCE, Mr. PICKERING, Mr. HAYES, Mr. BARTLETT of Maryland, Mr. ROGERS of Michigan, Mr. TOOMEY, Mr. SULLIVAN, and Mr. BURTON of Indiana) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of 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”.

6 **SEC. 2. TRANSPORTATION OF MINORS IN CIRCUMVENTION**  
 7 **OF CERTAIN LAWS RELATING TO ABORTION.**

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

10 **“CHAPTER 117A—TRANSPORTATION OF**  
 11 **MINORS IN CIRCUMVENTION OF CER-**  
 12 **TAIN LAWS RELATING TO ABORTION**

“Sec.

“2431. Transportation of minors in circumvention of certain laws relating to  
 abortion.

13 **“§ 2431. Transportation of minors in circumvention of**  
 14 **certain laws relating to abortion**

15 “(a) OFFENSE.—

16 “(1) GENERALLY.—Except as provided in sub-  
 17 section (b), whoever knowingly transports a minor  
 18 across a State line, with the intent that such minor  
 19 obtain an abortion, and thereby in fact abridges the  
 20 right of a parent under a law requiring parental in-  
 21 volvement in a minor’s abortion decision, in force in  
 22 the State where the minor resides, shall be fined  
 23 under this title or imprisoned not more than one  
 24 year, or both.

1           “(2) DEFINITION.—For the purposes of this  
2 subsection, an abridgement of the right of a parent  
3 occurs if an abortion is performed on the minor, in  
4 a State other than the State where the minor re-  
5 sides, without the parental consent or notification, or  
6 the judicial authorization, that would have been re-  
7 quired by that law had the abortion been performed  
8 in the State where the minor resides.

9           “(b) EXCEPTIONS.—

10           “(1) The prohibition of subsection (a) does not  
11 apply if the abortion was necessary to save the life  
12 of the minor because her life was endangered by a  
13 physical disorder, physical injury, or physical illness,  
14 including a life endangering physical condition  
15 caused by or arising from the pregnancy itself.

16           “(2) A minor transported in violation of this  
17 section, and any parent of that minor, may not be  
18 prosecuted or sued for a violation of this section, a  
19 conspiracy to violate this section, or an offense  
20 under section 2 or 3 based on a violation of this sec-  
21 tion.

22           “(c) AFFIRMATIVE DEFENSE.—It is an affirmative  
23 defense to a prosecution for an offense, or to a civil action,  
24 based on a violation of this section that the defendant rea-  
25 sonably believed, based on information the defendant ob-

1 tained directly from a parent of the minor or other compel-  
2 ling facts, that before the minor obtained the abortion, the  
3 parental consent or notification, or judicial authorization  
4 took place that would have been required by the law re-  
5 quiring parental involvement in a minor’s abortion deci-  
6 sion, had the abortion been performed in the State where  
7 the minor resides.

8 “(d) CIVIL ACTION.—Any parent who suffers harm  
9 from a violation of subsection (a) may obtain appropriate  
10 relief in a civil action.

11 “(e) DEFINITIONS.—For the purposes of this sec-  
12 tion—

13 “(1) a ‘law requiring parental involvement in a  
14 minor’s abortion decision’ means a law—

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

17 “(i) the notification to, or consent of,  
18 a parent of that minor; or

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

20 “(B) that does not provide as an alter-  
21 native to the requirements described in sub-  
22 paragraph (A) notification to or consent of any  
23 person or entity who is not described in that  
24 subparagraph;

25 “(2) the term ‘parent’ means—

1                   “(A) a parent or guardian;

2                   “(B) a legal custodian; or

3                   “(C) a person standing in loco parentis

4                   who has care and control of the minor, and

5                   with whom the minor regularly resides,

6                   who is designated by the law requiring parental in-

7                   volvement in the minor’s abortion decision as a per-

8                   son to whom notification, or from whom consent, is

9                   required;

10                  “(3) the term ‘minor’ means an individual who

11                  is not older than the maximum age requiring paren-

12                  tal notification or consent, or proceedings in a State

13                  court, under the law requiring parental involvement

14                  in a minor’s abortion decision; and

15                  “(4) the term ‘State’ includes the District of

16                  Columbia and any commonwealth, possession, or

17                  other territory of the United States.”.

18                  (b) CLERICAL AMENDMENT.—The table of chapters

19                  for part I of title 18, United States Code, is amended by

20                  inserting after the item relating to chapter 117 the fol-

21                  lowing new item:

                  “117A. Transportation of minors in circumvention of certain laws  
                  relating to abortion ..... 2431”.

