

Amendment to HB 191-FN

1 Amend the title of the bill by replacing it with the following:

2

3 AN ACT providing criminal and civil penalties for the transporting of an unemancipated
4 minor in order to obtain a surgical procedure without parental permission.

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6 Amend the bill by replacing all after the enacting clause with the following:

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8 1 New Section; Criminal Code; Illegal Transporting of a Minor for a Surgical Procedure. Amend
9 RSA 633 by inserting after section 4 the following new section:

10 633:4-a Illegal Transporting of a Minor for a Surgical Procedure.

11 I. A person is guilty of a class A misdemeanor if such person intentionally transports a
12 unemancipated minor within this state for the purpose of obtaining a surgical procedure for the
13 minor without the express written consent of the minor's parent or guardian.

14 II. A person shall be guilty of a class B felony if the person is convicted of violating this
15 section and has previously been convicted of 2 or more offenses under paragraph I.

16 III. For the purpose of this section, an unemancipated minor shall mean any minor child
17 under 18 years of age who is not married or has not by court order otherwise been freed from the
18 care, custody, and control of his or her parents.

19 IV. This section does not apply to:

20 (a) The parents or legal guardian of the unemancipated minor;

21 (b) A person who has obtained the written, notarized consent of the
22 unemancipated minor's parent or legal guardian;

23 (c) A common carrier transporting passengers in the course and scope of their business;

24 or

25 (d) An ambulance driver or operator and any corresponding emergency
26 medical services personnel acting within the course and scope of their duties.

27 V. It shall not be a defense to a prosecution under this section that the unemancipated
28 minor consented to the actions prohibited by paragraph I.

29 2 New Chapter; Private Right of Action for Transporting a Minor for a Surgical Procedure
30 Contrary to Law. Amend RSA by inserting after chapter 507-H the following new chapter:

31

CHAPTER 507-I

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PRIVATE RIGHT OF ACTION FOR TRANSPORTING A MINOR

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AMENDED ANALYSIS

This bill provides criminal penalties for transporting an unemancipated minor without parental consent for the purpose of obtaining a surgical procedure. This bill further authorizes a civil suit in certain circumstances following a violation of the criminal prohibition.