

HB 191-FN - AS AMENDED BY THE HOUSE

26Mar2025... 0756h

2025 SESSION

25-0192
09/08

HOUSE BILL

191-FN

AN ACT

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

SPONSORS:

Rep. Cordelli, Carr. 7; Rep. M. Pearson, Rock. 34; Rep. Roy, Rock. 31; Rep. Seidel, Hills. 29; Rep. DeRoy, Straf. 3; Rep. Terry, Belk. 7; Rep. Freeman, Belk. 8; Sen. Avard, Dist 12; Sen. Ward, Dist 8

COMMITTEE:

Criminal Justice and Public Safety

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.

Explanation:

Matter added to current law appears in ***bold italics***.

Matter removed from current law appears ~~[in brackets and struckthrough.]~~

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Five

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

Be it Enacted by the Senate and House of Representatives in General Court convened:

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

3 633:4-a Illegal Transporting of a Minor for a Surgical Procedure.

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

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

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

12 IV. This section does not apply to:

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

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

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

17 or

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

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

22 2 New Chapter; Private Right of Action for Transporting a Minor for a Surgical Procedure
23 Contrary to Law. Amend RSA by inserting after chapter 507-H the following new chapter:

24 CHAPTER 507-I

25 PRIVATE RIGHT OF ACTION FOR TRANSPORTING A MINOR

26 FOR A SURGICAL PROCEDURE CONTRARY TO LAW

27 507-I:1 Liability; Who May Bring Suit.

28 I. A person who violates RSA 633:4-a, I, may be held liable in a civil action.

29 II. The civil action may be brought on behalf of the minor child by:

30 (a) The parent or guardian of the minor child; or

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1 (b) The minor, after reaching 18 years of age, and within 7 years of reaching 18 years of
2 age.

3 507-I:2 Damages. In a civil action arising from a violation of this chapter, the plaintiff may
4 recover from the person who violated this chapter:

5 I. Economic damages;

6 II. Noneconomic damages, including damages for pain and suffering;

7 III. Punitive damages; and

8 IV. Reasonable attorney's fees and court costs.

9 3 Effective Date. This act shall take effect 60 days after its passage.

**HB 191-FN- FISCAL NOTE
AS AMENDED BY THE SENATE (AMENDMENT # 2025-3084s)**

AN ACT providing criminal penalties for the transporting of an unemancipated minor in order to obtain a surgical procedure or a termination of the minor's pregnancy without parental permission.

FISCAL IMPACT:

Estimated State Impact				
	FY 2026	FY 2027	FY 2028	FY 2029
Revenue	\$0	\$0	\$0	\$0
<i>Revenue Fund</i>	None			
Expenditures*	Indeterminable			
<i>Funding Source</i>	General Fund			
Appropriations*	\$0	\$0	\$0	\$0
<i>Funding Source</i>	None			

*Expenditure = Cost of bill

*Appropriation = Authorized funding to cover cost of bill

Estimated Political Subdivision Impact				
	FY 2026	FY 2027	FY 2028	FY 2029
County Revenue	\$0	\$0	\$0	\$0
County Expenditures	Indeterminable			
Local Revenue	\$0	\$0	\$0	\$0
Local Expenditures	Indeterminable			

METHODOLOGY:

This bill adds, deletes, or modifies a criminal penalty, or changes statute to which there is a penalty for violation. Therefore, this bill may have an impact on the judicial and correctional systems, which could affect prosecution, incarceration, probation, and parole costs, for the state, as well as county and local governments. A summary of such costs can be found at: https://gencourt.state.nh.us/lba/Budget/Fiscal_Notes/JudicialCorrectionalCosts.pdf

AGENCIES CONTACTED:

Judicial Branch, Judicial Council, Department of Justice, Department of Corrections, New Hampshire Association of Counties, and New Hampshire Municipal Association