

HB 191-FN - AS INTRODUCED

2025 SESSION

25-0192

09/08

HOUSE BILL **191-FN**

AN ACT providing criminal and civil penalties for the recruitment, harboring, or transporting of a pregnant, unemancipated minor in order to obtain an abortion 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

ANALYSIS

This bill provides criminal penalties for providing certain assistance to obtain an abortion for a pregnant, unemancipated minor without parental consent. This bill further authorizes a civil wrongful death 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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 recruitment, harboring, or transporting of a pregnant, unemancipated minor in order to obtain an abortion without parental permission.

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

1 1 New Section; Criminal Code; Trafficking of a Minor for an Abortion. Amend RSA 633 by
2 inserting after section 4 the following new section:

3 633:4-a Trafficking of a Minor for an Abortion.

4 I. A person is guilty of a class A misdemeanor if such person intentionally recruits, harbors,
5 or transports a pregnant, unemancipated minor within this state for the purpose of:

6 (a) Concealing an act that would constitute an abortion under RSA 132:32 from the
7 parents or legal guardian of the pregnant, unemancipated minor;

8 (b) Procuring an act that would constitute an abortion under RSA 132:32 for the
9 pregnant, unemancipated minor, regardless of where the abortion is to be procured; or

10 (c) Obtaining an abortion-inducing drug for the pregnant, unemancipated minor for the
11 purpose of an act that would constitute an abortion under RSA 329:43, regardless of where the
12 abortion-inducing drug is obtained.

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

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

18 IV. This section does not apply to:

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

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

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

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

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

28 2 New Chapter; Wrongful Death Actions For Certain Abortions Performed Contrary To Law.
29 Amend RSA by inserting after chapter 507-H the following new chapter:

CHAPTER 507-I

Wrongful Death Actions For Certain Abortions Performed Contrary To Law

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

I. A person who violates RSA 633:4-a, I, may be held liable in a civil action for the wrongful death of an unborn child who was aborted.

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

(a) The biological mother of the unborn child;

(b) The biological father of the unborn child, unless the pregnancy resulted from an act committed by the biological father that constitutes an act of:

(1) Aggravated felonious sexual assault, as defined in RSA 632-A:2.

(2) Incest, as defined in RSA 639:2.

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

I. Economic damages;

II. Noneconomic damages;

III. Punitive damages; and

IV. Reasonable attorney's fees and court costs.

507-I:3 Exceptions.

I. This chapter does not apply to the provision of a medical diagnosis or consultation regarding pregnancy care of an unemancipated minor. As used in this chapter, a medical diagnosis or consultation regarding pregnancy care does not include performing or attempting to perform an abortion, as defined in RSA 132:32, I.

II. This section does not prohibit a licensed physician or another person from calling an ambulance for a minor patient if a medical emergency, pursuant to RSA 132:32, VIII, exists.

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

**HB 191-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT providing criminal and civil penalties for the recruitment, harboring, or transporting of a pregnant unemancipated minor in order to obtain an abortion without parental permission.

FISCAL IMPACT:

| Estimated State Impact | | | | |
|-------------------------------|----------------|----------------|----------------|----------------|
| | FY 2025 | FY 2026 | FY 2027 | FY 2028 |
| 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 2025 | FY 2026 | FY 2027 | FY 2028 |
| 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