

107TH CONGRESS
2^D SESSION

H. R. 476

IN THE SENATE OF THE UNITED STATES

APRIL 17, 2002

Received; read twice and referred to the Committee on the Judiciary

AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Child Custody Protec-
3 tion Act”.

4 **SEC. 2. TRANSPORTATION OF MINORS IN CIRCUMVENTION**
5 **OF CERTAIN LAWS RELATING TO ABORTION.**

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

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

“Sec.

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

11 **“§ 2431. Transportation of minors in circumvention of**
12 **certain laws relating to abortion**

13 “(a) OFFENSE.—

14 “(1) GENERALLY.—Except as provided in sub-
15 section (b), whoever knowingly transports an indi-
16 vidual who has not attained the age of 18 years
17 across a State line, with the intent that such indi-
18 vidual obtain an abortion, and thereby in fact
19 abridges the right of a parent under a law requiring
20 parental involvement in a minor’s abortion decision,
21 in force in the State where the individual resides,
22 shall be fined under this title or imprisoned not
23 more than one 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 individual,
4 in a State other than the State where the individual
5 resides, without the parental consent or notification,
6 or the judicial authorization, that would have been
7 required by that law had the abortion been per-
8 formed in the State where the individual resides.

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

15 “(2) An individual transported in violation of this sec-
16 tion, and any parent of that individual, may not be pros-
17 ecuted or sued for a violation of this section, a conspiracy
18 to violate this section, or an offense under section 2 or
19 3 based on a violation of this section.

20 “(c) AFFIRMATIVE DEFENSE.—It is an affirmative
21 defense to a prosecution for an offense, or to a civil action,
22 based on a violation of this section that the defendant rea-
23 sonably believed, based on information the defendant ob-
24 tained directly from a parent of the individual or other
25 compelling facts, that before the individual obtained the

1 abortion, the parental consent or notification, or judicial
2 authorization took place that would have been required by
3 the law requiring parental involvement in a minor’s abor-
4 tion decision, had the abortion been performed in the
5 State where the individual resides.

6 “(d) CIVIL ACTION.—Any parent who suffers legal
7 harm from a violation of subsection (a) may obtain appro-
8 priate relief in a civil action.

9 “(e) DEFINITIONS.—For the purposes of this
10 section—

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

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

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

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

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

23 “(2) the term ‘parent’ means—

24 “(A) a parent or guardian;

25 “(B) a legal custodian; or

