



Dear Pro-Life Friends,

Recently, through social media, websites and emails, some well-meaning but misguided persons have asked Missouri pro-life individuals, organizations and lawmakers to support [Senate Bill 391](#) – the so-called “Abolition of Abortion in Missouri Act”. The bill is sponsored by Missouri state Senator Mike Moon.

I urge you to think twice about supporting this bill, because it has many flaws and problems – some of which I pointed out to state Senators in my testimony during a committee hearing on the bill earlier this month. While I respect all lawmakers who want to save babies by passing pro-life bills, I have a responsibility to point out where those bills might be flawed – or even harmful to pro-life efforts. That is a duty that I have taken seriously in my 36 years as a fulltime pro-life lobbyist at the Missouri Capitol.

Here are the two major concerns with the bill (although there are other concerns, as well), which supporters of SB 391 have mostly not discussed.

First, if enacted into law, SB 391 would put a woman in prison if she had an abortion. And, if she is convicted under SB 391 of first-degree murder for the abortion, she would be subject to the same penalty as anyone else convicted of first-degree murder in Missouri.

A woman who was 18 years of age or older when she had the abortion and who is convicted of first-degree murder, would get a mandatory sentence of [either death or imprisonment for life without eligibility for probation or parole](#).

A girl 12 years of age or older, but under 18 when she had the abortion, [who is charged as an adult](#) and convicted of first-degree murder, would not be subject to the death penalty, but rather would be [sentenced to a term of life imprisonment without eligibility for probation or parole, life imprisonment with eligibility for parole, or not less than thirty years and not to exceed forty years imprisonment](#).

The current methods of imposing the death penalty in Missouri are [by the administration of lethal gas or by means of the administration of lethal injection](#).

(At the hearing, some of the witnesses who testified in favor of SB 391 did say that they intend for a woman go to jail if she obtains an abortion, but did not discuss the possibility of her getting the death penalty for doing so.)

As I mentioned when I testified during the committee hearing on SB 391, this would be a huge change in Missouri's abortion law. Both before the 1973 *Roe v. Wade* abortion decision and after *Roe*, Missouri law never charged a woman or girl with a crime for undergoing an abortion. Others (doctors, midwives, etc.) were charged and convicted for performing or inducing abortions – but never the woman or girl.

As early as [1825, Missouri statutes \(page 283, Sec. 12\)](#) made it unlawful for any person to administer a poison or substance to cause or procure a miscarriage in a woman. By [1835, the law \(page 172, § 36\)](#) was changed to make it a crime for a physician or other person “to willfully administer to a pregnant women” any drug or substance “or employ any instrument or means” to procure an abortion or miscarriage (unless necessary to save the woman's life). Also in [1835, the law \(pages 168-69, §§ 9-10\)](#) made it manslaughter to kill an “unborn quick child” – but in reference to causing injury to the mother or administering something or employing an instrument on her. Thus, from 1825-1835 onward to the present day, Missouri lawmakers have been consistent in never making a woman who undergoes an abortion subject to criminal prosecution. Rather, Missouri law has only allowed for the prosecution of the person who performed or induced the abortion on her.

Second, if enacted into law, SB 391 would repeal numerous pro-life laws that have been enacted in Missouri since the 1973 *Roe* decision.

Despite challenges in federal and state courts over the decades by Planned Parenthood and the ACLU, these lifesaving laws have reduced the number of abortions performed or induced in Missouri from [over 20,000 during the mid-1980's](#), to [just 39 abortions from Jan. 1 through Nov. 15, 2020](#). And the number of abortion clinics that now perform or induce abortions in the state is down to one, from a dozen or so that existed throughout the 1980's. (Some [reports suggest that there were 29 abortion providers in Missouri in 1982](#), but I don't recall the number of clinics ever being that high). And the help that women facing difficult pregnancies can now receive from faith-based pregnancy resource centers and maternity homes – in part because of changes in state law enacted by pro-life lawmakers – has dramatically increased as well.

As I testified in committee, here are just some of the laws that would be repealed if SB 391 becomes law:

- Requiring parental consent before an abortion (sections 188.028 and 188.250).
- Prohibiting public funding of abortion or coverage for elective abortions in health plans (sections 188.200 to 188.220; sections 191.724, 196.1127, 208.655, 376.805 and 376.1199).

- Mandating that only physicians can perform or induce an abortion (sections 188.020, 188.080, 188.230 and 334.245).
- Obligating abortion facilities to be inspected and licensed (various sections in chapter 197).
- Conscience protection for doctors, nurses and others who do not want to directly or indirectly participate in abortion (sections 188.100 to 188.120; section 188.125).
- Banning “partial-birth” abortion (the “Infant’s Protection Act”, section 565.300).
- The “Right to Life of the Unborn Child Act”, Missouri’s “trigger law” that would prohibit abortion upon reversal of *Roe v. Wade* or passage of a federal Human Life Amendment (section 188.017).
- The “Missouri Stands for the Unborn Act”, which asserts Missouri’s interests in protecting pregnant women and unborn children from abortion – including when an unborn child has a heartbeat or brainwaves, would be dismembered alive or would feel pain – and bans abortion at eight, 14, 18 and 20 weeks of gestation (sections 188.026, 188.056, 188.057 and 188.058).
- Prior to an abortion, a woman must give her voluntary and informed consent, freely and without coercion, and then wait 72 hours (sections 188.027 and 188.039).
- Declaring it murder to intentionally take the life of a child aborted alive (section 188.035).
- Banning the trafficking of baby body parts after an abortion (section 188.036).
- Ending discriminatory abortions based on the race or sex of the unborn child, or because the unborn child had been diagnosed with Down Syndrome (section 188.038).
- Ensuring that doctors who perform or induce abortions have medical malpractice insurance (sections 188.043 and 188.044).
- Control of drug-induced abortions (section 188.021).
- Establishing the “Missouri Alternatives to Abortion Services Program” and the “Missouri Alternatives to Abortion Public Awareness Program” (sections 188.325 and 188.335).

Let me highlight in particular how devastating the repeal of these laws could be to [Missouri’s pregnancy resource centers and maternity homes](#) – who are on the front lines 24/7 helping and saving moms and their babies.

By repealing Missouri’s [Alternatives to Abortion](#) program, SB 391 would prevent [\\$6.46 million in federal and state funds](#) from being distributed to these agencies to help pregnant and new moms with housing, rent, utilities, transportation, ultrasound, diapers, etc. The opportunities for pro-life counselors to talk to women could be greatly reduced because there would no longer be a 72-hour waiting period. Parents who would want to take their children to one of [Missouri’s 75 pregnancy resource centers](#) for counseling and help might lose that opportunity, because the parental consent laws would be repealed.

Women or girls being coerced into abortions by boyfriends or older sex predators might not get the help they need, because Missouri’s informed consent law – which requires that an abortion can only

be performed or induced if it “[is voluntary and informed and ... without coercion](#)” – would be repealed. That same law also gives the woman or girl the right to see her baby on an ultrasound and hear her baby’s heartbeat – a right that she might lose under SB 391.

Please share this statement with other pro-lifers. It is important that the truth gets out, and that Missouri lawmakers and pro-lifers alike understand the potential effects of SB 391 becoming law (even if those effects might be unintended by some of its supporters). This bill that claims to “abolish” abortion in Missouri might have the opposite effect if it were to become law.

Sincerely yours in the cause for *Life*,

Sam

Samuel H. Lee
Campaign Life Missouri
P.O. Box 142585
St. Louis, MO 63114-0585