

116TH CONGRESS  
1ST SESSION

# H. R. 2817

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.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 16, 2019

Mr. WRIGHT (for himself, Mr. GOODEN, Mr. MOONEY of West Virginia, Mrs. HARTZLER, Mr. LAMBORN, Mr. MEADOWS, Mr. BANKS, Mr. BRADY, and Mr. MARCHANT) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Child Custody Protec-  
5 tion Act of 2019”.

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

3 (a) IN GENERAL.—Part I of title 18, United States  
 4 Code, is amended by inserting after chapter 117 the fol-  
 5 lowing:

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

“Sec.

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

“2432. Transportation of minors in circumvention of certain laws relating to incest.

9 **“§ 2431. Transportation of minors in circumvention of**  
 10 **certain laws relating to abortion**

11 “(a) DEFINITIONS.—In this section—

12 “(1) the term ‘law requiring parental involve-  
 13 ment in a minor’s abortion decision’ means a law in  
 14 force in the State in which a minor resides that—

15 “(A) requires, before an abortion is per-  
 16 formed on the minor—

17 “(i) notification to, or consent of, a  
 18 parent of the minor; or

19 “(ii) judicial authorization from a  
 20 State court; and

21 “(B) does not provide as an alternative to  
 22 the requirements described in subparagraph  
 23 (A)—

1                   “(i) notification to, or consent of, an  
2                   individual who is not a parent of the  
3                   minor; or

4                   “(ii) authorization from an entity that  
5                   is not a State court;

6                   “(2) the term ‘parent’ means—

7                   “(A) a parent or guardian;

8                   “(B) a legal custodian; or

9                   “(C) an individual standing in loco  
10                  parentis who has care and control of a minor,  
11                  with whom the minor regularly resides, and who  
12                  is designated by a law requiring parental in-  
13                  volvement in the minor’s abortion decision as  
14                  an individual to whom notification, or from  
15                  whom consent, is required;

16                  “(3) the term ‘minor’ means an individual who  
17                  is not older than the maximum age requiring paren-  
18                  tal notification or consent, or judicial authorization  
19                  from a State court, under a law requiring parental  
20                  involvement in a minor’s abortion decision; and

21                  “(4) the term ‘State’ includes the District of  
22                  Columbia and any commonwealth, possession, or  
23                  other territory of the United States.

24                  “(b) OFFENSE.—

1           “(1) GENERALLY.—Except as provided in sub-  
2           section (c), whoever knowingly transports a minor  
3           across a State line, with the intent that the minor  
4           obtain an abortion, and thereby in fact abridges the  
5           right of a parent of the minor under a law requiring  
6           parental involvement in a minor’s abortion decision,  
7           shall be fined under this title or imprisoned not  
8           more than 1 year, or both.

9           “(2) DEFINITION.—For purposes of this sub-  
10          section, an abridgement of the right of a parent of  
11          a minor occurs if an abortion is performed on the  
12          minor, in a State other than the State in which the  
13          minor resides, without the parental consent or notifi-  
14          cation, or the judicial authorization, that would have  
15          been required under a law requiring parental in-  
16          volvement in a minor’s abortion decision, had the  
17          abortion been performed in the State in which the  
18          minor resides.

19          “(c) EXCEPTIONS.—

20                 “(1) LIFE-ENDANGERING CONDITIONS.—The  
21                 prohibition under subsection (b) shall not apply in  
22                 the case of an abortion that is necessary to save the  
23                 life of a minor because her life is endangered by a  
24                 physical disorder, physical injury, or physical illness,

1 including a life-endangering physical condition  
2 caused by or arising from the pregnancy itself.

3 “(2) MINORS AND PARENTS.—A minor trans-  
4 ported in violation of this section, and any parent of  
5 the minor, may not be prosecuted or sued for a vio-  
6 lation of this section, a conspiracy to violate this sec-  
7 tion, or an offense under section 2 or 3 based on a  
8 violation of this section.

9 “(d) AFFIRMATIVE DEFENSE.—It is an affirmative  
10 defense to a prosecution for an offense, or to a civil action,  
11 based on a violation of this section that the defendant rea-  
12 sonably believed, based on information the defendant ob-  
13 tained directly from a parent of the minor or other compel-  
14 ling facts, that before the minor obtained the abortion, the  
15 parental consent or notification, or judicial authorization,  
16 that would have been required under the law requiring pa-  
17 rental involvement in a minor’s abortion decision, had the  
18 abortion been performed in the State in which the minor  
19 resides, took place.

20 “(e) CIVIL ACTION.—Any parent who suffers harm  
21 from a violation of subsection (b) may obtain appropriate  
22 relief in a civil action, unless the parent has committed  
23 an act of incest with the minor who was transported in  
24 violation of subsection (b).

1 **“§ 2432. Transportation of minors in circumvention of**  
2 **certain laws relating to incest**

3 “Notwithstanding section 2431(c)(2), whoever has  
4 committed an act of incest with a minor and knowingly  
5 transports the minor across a State line with the intent  
6 that the minor obtain an abortion, shall be fined under  
7 this title or imprisoned not more than 1 year, or both.”.

8 (b) TECHNICAL AND CONFORMING AMENDMENT.—  
9 The table of chapters for part I of title 18, United States  
10 Code, is amended by inserting after the item relating to  
11 chapter 117 the following:

“117A. Transportation of minors in circumvention of certain laws re-  
lating to abortion ..... 2431”.

