



## **HB 1682**

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### **PART 1 – QUICK SNAPSHOT**

#### **1.1 One-Paragraph Overview**

HB 1682 (“Missouri Prenatal Equal Protection Act”) rewrites parts of Missouri’s criminal code so that an unborn child is treated as a legal “person” in the homicide chapter from the moment of fertilization to birth. It creates a new statement of intent to “abolish abortion” in Missouri, tightens and clarifies when a life-of-the-mother procedure is legally justified, and allows a duress defense specifically for mothers who are coerced into killing their unborn child. It also expands venue options so prosecutions for crimes against unborn victims can be brought in more counties. Finally, it sends the act to the statewide ballot in August 2027 for voter approval.

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#### **1.2 Triage Table**

- **Single-subject (Art. III §23)**
  - **Yes (likely)** – All operative provisions deal with criminal law treatment of unborn children (definitions, defenses, venue) plus a standard referendum clause under the same “equal protection” theme.

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- **Does it grow government?**
  - **No / Minimal** – No new agency, board, or program. It changes definitions, defenses, and venue in existing criminal law; any fiscal impact would be limited to enforcement and litigation.

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- **Overall impact on Missouri families**
  - **Helps** – Strongly affirms legal protection for unborn children and narrows “life of the mother” to true medical emergencies, which aligns with a culture of life. It may increase legal exposure for abortion providers and, potentially, some mothers.
- **Alignment with Act for Missouri core beliefs**

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- **Supports (strongly)** – Explicitly acknowledges life as created in the image of God, applies equal protection to the unborn, and resists compromise frameworks that carve out categories of unborn children who may be killed.

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- **Recommended stance**
  - **Support – with recommended clean-up amendments** (see Part 7): Strongly aligned with personhood and equal protection; however, some technical changes are advisable to harmonize with existing abortion statutes and the post-2024 “reproductive freedom” amendment. [Wikipedia](#)

## PART 2 – PURPOSE & PROVISION MAP

### 2.1 Stated Purpose

#### Apparent purpose in plain language

HB 1682 aims to:

- Declare unborn children to be “persons” under Missouri’s homicide laws from fertilization onward.
- Bring criminal and civil protection for preborn persons into line with those for born persons.
- Abolish abortion in Missouri by treating willful prenatal killing like any other homicide, with narrowly drawn life-of-the-mother and duress defenses.

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#### Title accuracy

The bill’s title: “*relating to equal protection, with a referendum clause*” is **accurate but somewhat understated**. It doesn’t say “abortion” or “prenatal homicide,” but the operative changes clearly seek prenatal equal protection and abolition of abortion. From a legal standpoint, “equal protection” fairly describes the subject; politically, the title is milder than the real impact but not deceptive.

## 2.2 Provision-by-Provision Map

### Provision 1 – New §1.207 “Missouri Prenatal Equal Protection Act”

- **Location:** §1.207 (pp. 1–2).

- **What it does (plain language):**

- States legislative intent to acknowledge the sanctity of innocent human life “created in the image of God,” to protect life from “the beginning of biological development to natural death,” and to “abolish abortion in this state.”
- Frames equal protection for unborn children as a requirement of the U.S. Constitution and says enforcement for preborn persons uses the same presumptions, defenses, and clemencies as for born persons, unless specifically stated otherwise.

- **Tag:** [Good]
- **Why:** Establishes explicit personhood and equal-protection intent, grounded in biblical language and the Fourteenth Amendment, with a clear pro-life, pro-family orientation.

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### Provision 2 – Venue for offenses against unborn victims

- **Location:** §541.033.3 (pp. 2–3).

- **What it does:**

- Adds a new subsection specifying that when the victim of an offense under chapter 565 is an unborn child, the accused may be prosecuted in:
  1. The county where the offense occurred,
  2. Any county where an element occurred,
  3. The county where the accused resides,
  4. The county where the victim resides, or
  5. The county where the accused is apprehended.

- **Tag: [Mixed]**
- **Why:** Helpful to prosecutors and families (more venue options), but it gives the state broad discretion that could encourage forum-shopping. Current law for most offenses limits venue more tightly. [Missouri Revisor of Statutes](#)

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### Provision 3 – Duress defense for mothers in unborn-child homicides

- **Location:** §562.071.2(1) (p. 3).

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- **What it does:**

- Keeps the rule that duress is not a defense to murder **except** when the victim is an unborn child **and** the defendant is the child's mother. In that specific case, a coerced mother may raise duress.

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- **Tag: [Good]**
- **Why:** Maintains equal protection (murder of unborn = murder) while still recognizing that mothers may be uniquely vulnerable to coercion, and thus need access to the same duress defense that applies in other coerced crimes. [Missouri Revisor of Statutes](#)

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### Provision 4 – Narrow “life of the mother” justification

- **Location:** §563.026.3–4 (p. 3).

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- **What it does:**

- Creates a specific justification for a **lawful medical procedure** that:
  1. Is performed by a licensed physician,
  2. Is performed on a pregnant woman to avert **her death**,
  3. Results in the **accidental or unintentional** death of the unborn child, and
  4. Is performed only after all reasonable alternatives to save the unborn child are **unavailable** or have been **tried unsuccessfully**.

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- Confirms this justification is an affirmative defense.
- **Tag: [Good]**

- **Why:** Eliminates broad “health” loopholes and aligns more closely with double-effect principles: the aim is to save the mother’s life, not to intentionally kill the child. Deeply consistent with a 100% pro-life framework.

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### **Provision 5 – Definition of “person” including unborn from fertilization**

- **Location:** §565.002(11) (pp. 4–5).

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- **What it does:**

- Adds a definition: “Person includes a human being, including an unborn child at every stage of development from the moment of fertilization until birth.”
- Renumbers existing definitions in the homicide chapter accordingly.

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- **Tag:** [Good]
- **Why:** This is the core operative change that turns unborn children into “persons” for all homicide offenses under Chapter 565, closing the loophole where “person” previously had no explicit unborn component in that chapter. [Missouri Revisor of Statutes](#)

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### **Provision 6 – Prospective-only clause & referendum**

- **Location:** Section B & C (pp. 5–6).

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- **What it does:**

- States the act is **prospective only**, applying to offenses or causes of action arising on or after the effective date.
- Submits the act to the voters at the August 2027 election; it becomes effective only if approved by a majority.

- **Tag:** [Neutral]

- **Why:** Standard referendum language; prospective-only application respects due process and avoids retroactive criminal liability.

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## **2.3 Changes to Existing Law**

For each amended statute, here’s the “before vs. after” in substance:

## 1. New §1.207 – Missouri Prenatal Equal Protection Act

- **Before:** Missouri already had §1.205, declaring that life begins at conception and unborn children have protectable interests, but it explicitly stated it did not create a cause of action and included a carveout shielding women from certain liability. [Missouri Revisor of Statutes](#)
- **After:** §1.207 adds a stronger statement of **intent** to apply equal protection to preborn persons and “abolish abortion,” and ties enforcement to the same procedures and defenses used when victims are already born.

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## 2. §541.033 – Venue

- **Before:** Venue for most offenses was in the county where the offense occurred or where any element occurred; identity-theft cases get extra venue options, including the victim’s county. [Missouri Revisor of Statutes](#)
- **After:** Unborn-victim offenses under Chapter 565 gain **expanded venue choices**, including the counties of the accused’s residence, the victim’s residence, and the location of apprehension. This shifts some practical power to prosecutors to choose venue.

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## 3. §562.071 – Duress

- **Before:** Duress was an affirmative defense but expressly **unavailable** for the crime of murder, no exceptions. [Missouri Revisor of Statutes](#)
- **After:** Duress remains unavailable for murder **except** in cases where the victim is an unborn child and the defendant is that child’s mother, allowing a coercion defense in those specific prenatal homicide situations.

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## 4. §563.026 – Justification (necessity)

- **Before:** Necessity could justify conduct for offenses **other than** a class A felony or murder, when needed to avoid imminent injury; it was an affirmative defense. There was no specific life-of-the-mother abortion language in this section. [Missouri Revisor of Statutes](#)
- **After:** Keeps the existing general necessity rule but **adds** a specific justification for a medical procedure to avert the mother’s death, where the child’s death is accidental/unintentional and attempts to save the child were made or unavailable. That tailored defense can apply even to homicide-level conduct involving unborn children.

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## 5. §565.002 – Definitions (homicide chapter)

- **Before:** Chapter 565 had no explicit definition of “person” at all; the term relied on general usage. Definitions focused on things like “child,” “special victim,” etc. [Missouri Revisor of Statutes](#)
- **After:** Adds a new definition that explicitly includes “an unborn child at every stage of development from the moment of fertilization until birth” in the meaning of “person,” thereby making unborn children homicide victims under Missouri law.

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## PART 3 – CONSTITUTIONAL & PROCESS CHECKS

### 3.1 Missouri Single-Subject & Original-Purpose Tests

- **Main subject in one sentence:**  
Extending equal criminal protection to unborn children as “persons” and aligning defenses, venue, and enforcement accordingly, with voter approval.
- **Additional subjects or policy areas:**
  - Venue changes (still tied to unborn-victim crimes).
  - Referendum clause (standard legislative practice).
- **Are there unrelated “riders”?**
  - All changes are in criminal liability and procedure as applied to unborn children. There is no obvious unrelated policy area (like taxes, education, or utilities) grafted onto the bill.
- **Title vs. content:**
  - Title: “relating to equal protection, with a referendum clause.”
  - Content: prenatal personhood, abolition of abortion, venue, defenses.
  - The title could be more explicit, but “equal protection” accurately describes the main legal theme.
- **Original purpose shift?**
  - With the information given, there is no evidence of a bait-and-switch (e.g., starting as a simple venue bill and morphing into a personhood measure).

**Conclusion:**

**Likely complies** with single-subject and clear-title requirements.

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### **3.2 U.S. & Missouri Constitutional Rights**

Key points:

#### **1. Equal Protection & Personhood (Fourteenth Amendment)**

- The bill asserts that the U.S. Constitution requires equal protection for preborn persons and that Missouri must align its laws accordingly.

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- Current U.S. Supreme Court precedent does **not** clearly hold that unborn children are “persons” under the Fourteenth Amendment; states, however, may recognize unborn life in their criminal codes (and many already do). [Wikipedia](#)
- This bill is therefore making a **legal argument** and inviting litigation rather than resting on well-settled Supreme Court doctrine.

#### **2. Conflict with Missouri’s 2024 “Right to Reproductive Freedom” Amendment**

- In 2024, Missouri voters adopted Amendment 3, adding a **right to reproductive freedom** (including abortion prior to viability) to the state constitution and forbidding penalties for “pregnancy outcomes, including … abortion.” [Wikipedia](#)
- HB 1682, by redefining the unborn as “persons” and treating abortion as homicide, directly conflicts with that constitutional text unless and until the state amendment is repealed or held unconstitutional under the U.S. Constitution.
- This will almost certainly trigger litigation on:
  - Whether a **statute** can effectively nullify a voter-adopted constitutional amendment, and
  - Whether the state amendment itself violates the Fourteenth Amendment’s Equal Protection Clause as applied to unborn persons.

#### **3. Due Process & Vagueness**

- The phrase “from the moment of fertilization” is already used elsewhere in Missouri law and is reasonably concrete for criminal purposes. [Missouri Revisor of Statutes](#)
- The life-of-the-mother defense is tightly defined and requires attempts to save the child or unavailability of alternatives, which actually **reduces** vagueness compared to broader “health” standards.

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#### 4. Venue & Fair Trial Rights

- Expanding venue to up to five different counties could raise concerns about prosecutorial forum-shopping, but similar venue expansions exist for identity theft and other crimes. As long as the defendant has normal jury-trial and counsel rights, this is **likely constitutional**, though it could be challenged as unfair in practice. [Missouri Revisor of Statutes](#)

#### 5. Free Exercise / Establishment

- The bill references life “created in the image of God,” similar to language already upheld in Missouri’s abortion laws. A prior case has treated such language as an expression of moral viewpoint, not an unconstitutional establishment of religion. [AP News](#)

#### Bottom line:

- The most serious constitutional tension is between HB 1682 and Missouri’s new reproductive-freedom amendment, not between HB 1682 and the federal Bill of Rights. The bill appears to be crafted intentionally to force that conflict into court on equal-protection grounds.

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### 3.3 Delegation & Unelected Power

- The bill **does not** create or empower any agency, board, task force, or private partner.
- It **does not** delegate broad policy-making authority to regulators; it is entirely composed of direct statutory changes to definitions, venue, and defenses.

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- It does **not** condition citizens’ rights on future, unknown regulations.

From a separation-of-powers standpoint, HB 1682 is actually **better** than typical modern legislation: it keeps law-making in the hands of elected legislators and, ultimately, voters (via the referendum).

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## PART 4 – IMPACT ON MISSOURI FAMILIES

### 4.1 Economic, Tax, and Utility Impacts

- **Direct financial impact on households:**
  - No taxes, fees, or utility changes are created. Any fiscal effect would be indirect—e.g., law-enforcement and court costs from prosecutions for prenatal homicides or abortions performed contrary to the statutes.

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- **Cost shifting:**

- The bill does **not** shift utility or economic-development costs from corporations to families; it's not a subsidy bill.

**Net economic impact:** likely **minimal** for ordinary families, compared to the moral and legal impacts.

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## 4.2 Freedom, Parental Rights, and Education

- The bill doesn't regulate schools, curriculum, homeschool, or DESE.
- It does, however, change the legal landscape for **parents and family members** in pregnancy situations:
  - Fathers, boyfriends, and others who pressure or aid a woman in aborting her child could face homicide-related liability just as they would if they pressured her to kill a born child.

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- Mothers may face homicide liability for **intentional** killing of their unborn child, while still being able to claim duress when genuinely coerced.

**Net effect on family freedom:** strengthens the legal recognition of the unborn as family members who must be protected, but also increases legal risk for family members who participate in abortion decisions.

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## 4.3 Moral & Cultural Climate

- **Aligns with a culture of life:**

- Explicitly “acknowledging the sanctity of innocent human life, created in the image of God” and seeking to “abolish abortion” sends a clear moral signal.

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- **Rejects the “victim only” framing for women:**

- By allowing mothers to be legal actors (with defenses like duress) rather than categorically exempting them, it rejects the idea that abortion is always purely something done **to** a woman.

- **Pushback against abortion-rights culture:**

- This stands in sharp contrast to the 2024 reproductive-freedom amendment that treats abortion as a fundamental right and prohibits penalties for “pregnancy outcomes,” including abortion. [Wikipedia](#)

#### Conclusion for Part 4:

**Net impact on Missouri families: Helps** – It elevates the legal and cultural status of unborn children and seeks to align law with a consistent pro-life ethic, even though it will generate serious controversy and court battles.

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### PART 5 – ACT FOR MISSOURI CORE PRINCIPLES CHECK

(Using Act for Missouri’s stated beliefs.

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- **100% Pro-Life – Supports (strongly)**

- Recognizes preborn persons from fertilization and aims explicitly to “abolish abortion in this state.”
- Narrows exceptions to true life-of-the-mother emergencies with accidental/unintentional fetal death, and provides a duress defense for coerced mothers—consistent with protecting both mother and child.

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- **Christian & Biblical Values – Supports**

- Uses explicitly biblical language (“created in the image of God”) and treats intentional prenatal homicide as morally equivalent to killing a born person.

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- **Property Taxes & Economic Freedom – Not Implicated**

- No property-tax or economic-regulation content.

- **Literal / Original-Intent Constitutionalism – Mixed (strategic)**

- Positively: Rejects “living constitution” abortion rights and insists on equal protection for all persons.
- Tension: It relies on an assertive interpretation of the Fourteenth Amendment that the current Supreme Court has not clearly endorsed (unborn as federal constitutional “persons”), and it conflicts with a recently adopted state constitutional amendment. [Wikipedia](#)

- **Right to Bear Arms – Not Implicated**
- **State Sovereignty & Tenth Amendment – Mixed**
  - Asserts federal equal-protection obligations on Missouri and claims U.S. constitutional supremacy over any contrary state constitutional provisions.

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- This is orthodox in terms of the Supremacy Clause, but practically it invites federal-constitutional litigation in a way that may temporarily limit state sovereignty in setting abortion policy while courts sort it out.
- **Nuclear Family & Parental Rights – Supports**
  - Treats unborn children as family members with full legal protection; punishes those who harm or pressure mothers to abort; and provides a narrowly tailored safeguard for mothers whose lives are at risk.

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- **Homeschool Protection – Not Implicated**
- **Currency & Financial Control – Not Implicated**
- **Election Integrity – Not Implicated**
- **Government Transparency – Not Implicated (neutral)**
  - No new reporting or secrecy mechanisms; but also no explicit Sunshine enhancements.

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## **PART 6 – SPECIAL TOPIC TESTS (2025 PRIORITIES)**

### **6.1 Amendment 3 / Personhood & Equal-Protection Test**

- **Personhood trajectory:**
  - HB 1682 clearly moves Missouri toward a **true personhood standard**—“person” in the homicide chapter includes unborn children from fertilization—and explicitly states the intent to “abolish abortion.”

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- **Relation to 2024 Amendment 3 (Reproductive Freedom):**
  - The 2024 amendment protects a right to reproductive freedom and bars penalties for pregnancy outcomes, including abortion. [Wikipedia](#)

- HB 1682 is effectively a **direct statutory challenge** to that framework, asserting that the U.S. Constitution's equal-protection guarantees for "persons" trump any contrary state constitutional language.
- **Does it bake in exceptions?**
  - No rape, incest, or fetal-anomaly exceptions appear in the bill. The only exception is the life-of-the-mother scenario, carefully constrained.

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**Verdict:** This bill advances a **no-exceptions personhood standard** (with traditional double-effect style life-of-the-mother allowances) and conflicts head-on with the 2024 "reproductive freedom" constitutional text.

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## 6.2 Surveillance, Digital ID, and Data-Hub Test

- **Not implicated.** No digital IDs, databases, cameras, or data-sharing expansions.

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## 6.3 Utilities, Energy Policy, and Data-Center / Big-User Test

- **Not implicated.** No tariff, infrastructure, or utility-rate provisions.

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## 6.4 Federal Money & Strings

- **Not implicated.** No grants, federal funding, or alignment with federal "guidance."

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## 6.5 Model-Legislation / Agenda 21 & 2030 / Globalism Indicators

- No "sustainable development," "equity," "resilience," or similar globalist buzzwords.
- Language closely resembles prior Missouri personhood-style bills, not UN or WEF frameworks. [Missouri Senate+1](#)

**Verdict:** No visible globalist or Agenda 2030 alignment; this is a domestic pro-life/personhood bill.

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## PART 7 – RED FLAGS, AMENDMENT IDEAS, & FINAL RECOMMENDATION

## 7.1 Red-Flag List (Prioritized)

### 1. Red Flag #1 – Direct conflict with 2024 “Reproductive Freedom” Amendment

- **Location:** §1.207(2)–(7); §565.002(11); §563.026(3).

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- **Issue:** The bill criminalizes intentional killing of unborn children and aims to abolish abortion, while the 2024 constitutional amendment protects abortion access and bars penalties based on “pregnancy outcomes.” This guarantees a major legal collision and could leave citizens and prosecutors in limbo while courts sort it out. [Wikipedia+1](#)

### 2. Red Flag #2 – Incomplete clean-up of existing abortion code

- **Location:** Intent language (§1.207(4)–(5)) vs. unchanged Chapter 188 provisions.

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- **Issue:** The bill talks about “repealing provisions that permit willful prenatal homicide or assault,” but it does **not** expressly amend or repeal key abortion-code sections that currently shield women from conspiracy liability and focus penalties only on providers. [Missouri Revisor of Statutes+1](#)
- This could leave contradictions and give judges room to narrow the effect of the personhood language.

### 3. Red Flag #3 – Broad venue for unborn-victim offenses

- **Location:** §541.033.3.

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- **Issue:** Allowing prosecution in the victim’s county, the accused’s county, or the county of apprehension—on top of where the act occurred—goes beyond typical venue rules and may invite forum-shopping by prosecutors. [Missouri Revisor of Statutes](#)

### 4. Red Flag #4 – Litigation risk and temporary uncertainty

- **Location:** Global effect of §§1.207 and 565.002.

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- **Issue:** Until courts reconcile HB 1682 with the 2024 constitutional text, Missouri families, doctors, and prosecutors may operate in a fog of uncertainty about what is actually enforceable, with conflicting statutes and constitutional provisions on the books. [The Guardian+1](#)

## 7.2 Possible Fixes / Amendments

If citizens and legislators want to **strengthen** HB 1682's equal-protection effect and reduce confusion (without weakening its pro-life core), they could pursue:

### 1. Explicit harmonization with Chapter 188

- Add sections that **amend or repeal**:
  - The “woman shall not be prosecuted for conspiracy” clauses in §188.017 and related sections, clarifying that **principal liability** for prenatal homicide may apply while still allowing duress and necessity defenses.  
[Missouri Revisor of Statutes+1](#)
  - Or explicitly state that nothing in Chapter 188 shall be construed to limit homicide liability for intentional killing of unborn children, except as provided in §563.026(3).

### 2. Clarification of interaction with the 2024 Reproductive Freedom Amendment

- Add a legislative finding that:
  - The 2024 reproductive-freedom amendment, insofar as it protects intentional killing of unborn persons, is itself contrary to the Fourteenth Amendment's Equal Protection Clause.
  - Direct the Attorney General to seek a **declaratory judgment** in federal court on the conflict, so courts resolve it quickly rather than leaving families and physicians guessing.

### 3. Tightening venue to reduce forum-shopping concerns

- Narrow §541.033.3 by:
  - Removing the “county of the accused’s residence” and “county where the accused is apprehended,” keeping venue to where the offense or elements occurred and, possibly, where the victim resided.

### 4. Clarifying miscarriage and non-abortion medical care

- Add a sentence to §563.026(3) that explicitly distinguishes:
  - Treatment of miscarriage or ectopic pregnancy where the child is already dead or cannot be saved,
  - From intentional prenatal homicide.
- This helps reassure families and pro-life doctors that genuinely necessary care for miscarriages isn’t going to be misinterpreted as homicide.

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## 7.3 Final Recommendation

- **Recommended stance: Support – with a push for targeted amendments.**

**Why:**

- **Constitutional & moral alignment:** HB 1682 embodies Act for Missouri's core pro-life, biblical, and equal-protection principles by recognizing unborn children as legal persons, applying homicide protections to them from fertilization onward, and rejecting the "victim only" framing for abortion while still providing duress and life-of-the-mother safeguards.
- **Government size & delegation:** It does not grow bureaucracy or delegate power to unelected boards; it directly legislates definitions and defenses.
- **Impact on families:** It advances a culture of life and legal protection for the smallest Missourians, though at the cost of serious legal conflict with the 2024 reproductive-freedom amendment and temporary uncertainty while courts resolve the clash.

[Wikipedia+1](#)

On balance, from a Christian, constitutional, America-First, 100% pro-life, pro-family, limited-government perspective, HB 1682 deserves **strong support**, coupled with a concerted effort to:

1. Clean up conflicting abortion statutes, and
2. Force a timely constitutional test of whether Missouri may, consistent with the Fourteenth Amendment, deny unborn children the equal protection of the laws.