



**WISCONSIN LEGISLATIVE COUNCIL
AMENDMENT MEMO**

2003 Assembly Bill 372

**Assembly Substitute
Amendment 2 and
Assembly Amendment 1 to the
Substitute Amendment**

Memo published: September 26, 2003

Contact: Don Dyke, Chief of Legal Services (266-0292)

2003 Assembly Bill 372 defines “born alive” and “live birth,” as those terms are used in Wisconsin laws. In addition, the bill includes a rule for construing Wisconsin statutes and administrative rules, providing that if a statute or rule refers to a live birth or to the circumstances in which an individual is born alive, “the statute or rule shall be construed so that whoever is born alive or undergoes a live birth as a result of an abortion ... has the same legal status and legal rights as a human being at any point after the human being is born alive or undergoes a live birth as a result of natural or induced labor or a cesarean section.” The bill provides that this rule of construction “may not be construed to affirm, deny, expand, or contract a legal status or legal right that is applicable to a human being at any point before the human being is born alive or undergoes a live birth.”

Assembly Substitute Amendment 2:

- Eliminates the definition of “born alive” from the proposal.
- Substitutes for the deleted definition of “born alive” a rule of construction for Wisconsin laws providing: “An individual who undergoes a live birth [which remains a defined term] is born alive.” This rule of construction is also subject to the provision that it may not be construed to affirm, deny, expand, or contract a legal status or legal right that is applicable to a human being at any point before the human being undergoes a live birth.

Assembly Amendment 1 to the substitute amendment defines “breathes” for purposes of the proposal’s definition of “live birth.” Under the amendment, “breathes” means “draws air into and expels it out of the lungs one or more times.”

Assembly Substitute Amendment 2 was offered by Representative Wasserman. Assembly Amendment 1 to the substitute amendment was offered by Representatives Gundrum, Wasserman, and Wayne Wood. The amendments were adopted by the Assembly on a voice vote.

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