

## BILL HISTORY FOR ASSEMBLY BILL 372 (LRB -2506)

An Act to create 990.001 (17), 990.01 (4m) and 990.01 (19j) of the statutes; relating to: live birth or the circumstance of being born alive. (FE)

2003

05-29. A.	Introduced by Representatives Gundrum, Vukmir, Weber, Krawczyk, A. Williams, Towns, McCormick, Albers, Ladwig, Nischke, Jeskewitz, Hundertmark, Staskunas, Grothman, Van Roy, J. Fitzgerald, Ainsworth, Hines, Petrowski, Nass, Freese, LeMahieu, Gottlieb, Kreibich, Huebsch, Vrakas, Ott, J. Wood, Pettis, Kestell, Suder, Hahn, M. Lehman, Gunderson, Friske, Loeffelholz, Lothian, Bies and Jensen; cosponsored by Senators Lazich, Stepp, Roessler, Harsdorf, Breske, Zien, Schultz, Kedzie, S. Fitzgerald, Kanavas, Leibham, A. Lasee, Reynolds, Welch and Brown.	
05-29. A.	Read first time and referred to committee on Judiciary	220
08-05. A.	Fiscal estimate received.	
08-21. A.	Public hearing held.	
09-10. A.	Assembly substitute amendment 1 offered by Representative Gundrum (LRB s0173)	354
09-11. A.	Executive action taken.	
09-23. A.	Report passage recommended by committee on Judiciary, Ayes 5, Noes 1	367
09-23. A.	Referred to committee on Rules	367
09-23. A.	Placed on calendar 9-25-2003 by committee on Rules.	
09-25. A.	Assembly substitute amendment 2 offered by Representative Wasserman (LRB s0183)	389
09-25. A.	Read a second time	388
09-25. A.	Placed on the calendar following Assembly Bill 133	388
09-25. A.	Read a second time	389
09-25. A.	Assembly amendment 1 to Assembly substitute amendment 2 offered by Representatives Gundrum, Wasserman and W. Wood (LRB a1017)	389
09-25. A.	Assembly substitute amendment 3 offered by Representative Wasserman (LRB s0192)	389
09-25. A.	Assembly substitute amendment 3 withdrawn and returned to author	389
09-25. A.	Assembly amendment 1 to Assembly substitute amendment 2 adopted	389
09-25. A.	Assembly substitute amendment 2 adopted	389
09-25. A.	Representative Cullen added as a co-author of Assembly substitute amendment 2	389
09-25. A.	Ordered to a third reading	389
09-25. A.	Rules suspended	389
09-25. A.	Read a third time and passed, Ayes 95, Noes 0	389
09-25. A.	Ordered immediately messaged	389
09-29. S.	Received from Assembly	386
09-29. S.	Read first time and referred to committee on Judiciary, Corrections and Privacy	387
10-17. S.	Executive action taken.	
10-21. S.	Report concurrence recommended by committee on Judiciary, Corrections and Privacy, Ayes 5, Noes 0	416
10-21. S.	Available for scheduling.	
10-21. S.	Placed on calendar 10-23-2003 by committee on Senate Organization.	
10-23. S.	Read a second time.	
10-23. S.	Ordered to a third reading.	
10-23. S.	Refused to suspend the rules, Ayes 18, Noes 14.	
10-23. S.	Vote by which Senate refused to suspend the rules, reconsidered.	
10-23. S.	Rules suspended.	
10-23. S.	Read a third time and concurred in, Ayes 31, Noes 1.	
10-23. S.	Ordered immediately messaged.	
10-27. A.	Received from Senate concurred in.	

**2003  
ENROLLED BILL**

03en A B-372

**ADOPTED DOCUMENTS:**

Orig     Engr

A SubAmdt 2

50183/1  
03-501731

Amendments to above (if none, write "NONE"): AA1

Corrections - show date (if none, write "NONE"): none

Topic Live birth or the circumstances of  
being born alive

10/27/03  
Date

[Signature]  
Enrolling Drafter

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State of Wisconsin  
2003 - 2004 LEGISLATURE

LRBs0183/1  
DAK&MGD:cjs:pg

**ASSEMBLY SUBSTITUTE AMENDMENT 2,  
TO 2003 ASSEMBLY BILL 372**

September 25, 2003 - Offered by Representative WASSERMAN.

- 1 **AN ACT to create** 990.001 (17) and 990.01 (19j) of the statutes; **relating to:** live  
2 birth or the circumstance of being born alive.

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***Analysis by the Legislative Reference Bureau***

Under current law, the terms "live birth" and "born alive" are not defined but are used in various statutes, including those relating to abortion and disposition of property to heirs at death.

This substitute amendment defines "live birth" for application to all of the statutes. Further, the substitute amendment requires that all statutes be construed so that: 1) an individual who has undergone a live birth is considered to have been born alive; and 2) one who undergoes a live birth as the result of an abortion has the same legal status and legal rights as a human being at any point after the human being undergoes a live birth as the result of natural or induced labor or a cesarean section. Lastly, the substitute amendment prohibits these rules of construction from being 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.

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***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

1           **SECTION 1.** 990.001 (17) of the statutes is created to read:

2           **990.001 (17) LIVE BIRTH OR CIRCUMSTANCE OF BEING BORN ALIVE.** (a) An individual  
3 who undergoes a live birth is born alive.

4           (b) If a statute or rule refers to a live birth or to the circumstance in which an  
5 individual is born alive, the statute or rule shall be construed so that whoever  
6 undergoes a live birth as the result of an abortion, as defined in s. 253.10 (2) (a), has  
7 the same legal status and legal rights as a human being at any point after the human  
8 being undergoes a live birth as the result of natural or induced labor or a cesarean  
9 section.

10           (c) Paragraphs (a) and (b) may not be construed to affirm, deny, expand, or  
11 contract a legal status or legal right that is applicable to a human being at any point  
12 before the human being undergoes a live birth.

13           **SECTION 2.** 990.01 (19j) of the statutes is created to read:

14           **990.01 (19j) LIVE BIRTH.** "Live birth" means the complete expulsion or  
15 extraction from his or her mother, of a human being, at any stage of development,  
16 who, after the expulsion or extraction, breathes or has a beating heart, pulsation of  
17 the umbilical cord, or definite movement of voluntary muscles, regardless of whether  
18 the umbilical cord has been cut, and regardless of whether the expulsion or  
19 extraction occurs as a result of natural or induced labor, a cesarean section, or an  
20 abortion, as defined in s. 253.10 (2) (a).

21

(END)

**ASSEMBLY AMENDMENT 1,  
TO ASSEMBLY SUBSTITUTE AMENDMENT 2,  
TO 2003 ASSEMBLY BILL 372**

September 25, 2003 - Offered by Representatives GUNDRUM, WASSERMAN and W.  
WOOD.

1 At the locations indicated, amend the substitute amendment as follows:

2 ✓ 1. Page 2, line 14: after "LIVE BIRTH." insert "(a) In this subsection, "breathes"

3 § 4 means "draws air into and expels it out of the lungs one or more times."

4 2. Page 2, line 14: before "'Live birth" means" insert:

5 "(b)".

6 (END)