

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

September 10, 2003 – Offered by Representative GUNDRUM.

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.

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 is born alive or 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 is born alive or 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 is born alive or undergoes a live birth.

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

