

2003 DRAFTING REQUEST

Assembly Substitute Amendment (ASA-AB372)

Received: 09/22/2003

Received By: dkennedy

Wanted: As time permits

Identical to LRB:

For: Tom Hebl (608) 266-7678

By/Representing: Lindsay (aide)

This file may be shown to any legislator: NO

Drafter: dkennedy

May Contact:

Addl. Drafters: mdsida

Subject: Health - abortion

Extra Copies:

Submit via email: YES

Requester's email: Rep.Hebl@legis.state.wi.us

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Live birth or being born alive

Instructions:

See Attached; same as ASA 1 to AB 372, except delete "is born alive or" in 990.001 (17) (b) and (c)

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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<END>

10:00 am - Tuesday

2003 - 2004 LEGISLATURE

50183/1
LRBs 0173/1
DAK&MGD: ~~ajs~~

gis

ASSEMBLY SUBSTITUTE AMENDMENT ~~4~~,
TO 2003 ASSEMBLY BILL 372

SA ✓

September 10, 2003 - Offered by Representative GUNDRUM

Reg cat

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:

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 is born

6 alive or undergoes a live birth as the result of an abortion, as defined in s. 253.10 (2)

7 (a), has the same legal status and legal rights as a human being at any point after

8 the human being is born alive or undergoes a live birth as the result of natural or
9 induced labor or a cesarean 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 is born alive or 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)