

**SENATE BILL NO. 2254
with House Amendments**

Fifty-sixth
Legislative Assembly
of North Dakota

SENATE BILL NO. 2254

Introduced by

Senators Wanzek, Christmann, D. Mathern, Watne

Representatives Kliniske, Sandvig

1 A BILL for an Act relating to the performance of partial-birth abortions; and to provide a penalty.

2 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

3 **SECTION 1. Definitions.** As used in this Act:

4 1. "Living child" means any member of the human species, born or unborn, who has
5 a heartbeat or discernible spontaneous movement.

6 2. "Partially born" means the child's intact body, with the entire head attached, is
7 delivered so that any of the following has occurred:

8 a. The child's entire head, in the case of a cephalic presentation, or any portion
9 of the child's torso above the navel, in the case of a breech presentation, is
10 delivered past the mother's vaginal opening; or

11 b. The child's entire head, in the case of a cephalic presentation, or any portion
12 of the child's torso above the navel, in the case of a breech presentation, is
13 delivered outside the mother's abdominal wall.

14 3. "Sharp curettage or suction curettage abortion" means an abortion in which the
15 developing child and products of conception are evacuated from the uterus with a
16 sharp curettage or through a suction cannula with an attached vacuum apparatus.

17 **SECTION 2. Prohibition - Penalty - Exception.**

18 1. Any person who intentionally or knowingly causes the death of a child while that
19 child is partially born is guilty of a class AA felony. A mother whose living child
20 dies while partially born may not be prosecuted for a violation of this Act or for
21 conspiracy to violate this Act.

22 2. This Act does not apply to a sharp curettage or suction curettage abortion or to any
23 offense committed under chapter 12.1-17.1 or chapter 14-02.1.

1 **SECTION 3. Hearing.** Section 2 does not prohibit a physician from taking measures to
2 save the life of a mother whose life is endangered by a physical disorder, illness, or injury, if
3 every reasonable precaution is also taken, in this case, to save the child's life. A physician
4 charged with an offense under section 2 may seek a hearing before the state board of medical
5 examiners on whether the physician's conduct was necessary to save the life of a mother
6 whose life was endangered by a physical disorder, illness, or injury, and whether the physician
7 took every reasonable precaution to save the child's life. The findings of the board are
8 admissible at the trial of the defendant. Upon the motion of the defendant, the court shall delay
9 the beginning of the trial for not more than thirty days to permit the hearing to be conducted.