19.1039.04000

Sixty-sixth
Legislative Assembly
of North Dakota

FIRST ENGROSSMENT
with Senate Amendments
ENGROSSED HOUSE BILL NO. 1546

Introduced by

Representatives Simons, Becker, Ertelt, Magrum, Rohr, Toman

Senators Kannianen, O. Larsen, Luick, Schaible, Wanzek

A BILL for an Act to create and enact a new section to chapter 14-02.1 of the North Dakota Century Code, relating to prohibition on human dismemberment abortion; to amend and reenact section 2 of chapter 132 of the 2007 Session Laws, relating to the implementation of the prohibition of the performance of abortions; to provide a penalty; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 14-02.1 of the North Dakota Century Code is created and enacted as follows:

Prohibition on human dismemberment abortion - Penalty.

1. For purposes of this section, "human dismemberment abortion" means intentionally dismembering a living unborn child and extracting the unborn child one piece at a time from a uterus, with the purpose of causing the death of an unborn child, through use of clamps, grasping forceps, tongs, scissors, or similar instruments that, through the convergence of two rigid levers, slice, crush, or grasp the head, arm, leg, spinal cord, internal organ, or other portion of the unborn child's body to cut or rip it off, regardless if the fetal body parts are removed by the same instrument, suction, or other means.
2. Except in the case of a medical emergency, it is a class C felony for an individual to intentionally perform a human dismemberment abortion.
3. A woman upon whom a human dismemberment abortion is performed or attempted to be performed in violation of subsection 2 may not be prosecuted for a violation of subsection 2 or for conspiracy to violate subsection 2.

SECTION 2. AMENDMENT. Section 2 of chapter 132 of the 2007 Session laws is amended and reenacted as follows:

SECTION 2. EFFECTIVE DATE. This Act becomes effective on the ~~date the legislative council approves by motion the recommendation of the attorney general to the legislative council that it is reasonably probable that this Act would be upheld as constitutional.~~thirtieth day after:

1. The adoption of an amendment to the United States Constitution which, in whole or in part, restores to the states the authority to prohibit abortion; or
2. The attorney general certifies to the legislative council the issuance of the judgment in any decision of the United States Supreme Court which, in whole or in part, restores to the states authority to prohibit abortion.

SECTION 3. EFFECTIVE DATE. Section 1 of this Act becomes effective on the thirtieth day after the adoption of an amendment to the United States Constitution which, in whole or in part, restores to the states the authority to prohibit abortion, or on the thirtieth day after the attorney general certifies to the legislative council:

1. The issuance of the judgment in any decision of the United States Supreme Court or the United States Court of Appeals for the Eighth Circuit which would allow enforcement of section 1 of this Act; or
2. The issuance of the judgment in any decision of the United States Supreme Court which, in whole or in part, restores to the states authority to prohibit abortion.