

Introduced by

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

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

1 A BILL for an Act to create and enact a new section to chapter 14-02.1 of the North Dakota
2 Century Code, relating to prohibition on human dismemberment abortion; to provide a penalty;
3 and to provide an effective date.

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

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

7 **Prohibition on human dismemberment abortion - Penalty.**

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

20 **SECTION 2. EFFECTIVE DATE.** Section 1 of this Act becomes effective on the date the
21 legislative management approves, by motion, the recommendation of the attorney general to
22 the legislative management that it is reasonably probable this Act would be upheld as
23 constitutional.