

HOUSE BILL NO. 1373

Introduced by

Representatives VanWinkle, Henderson, Hoverson, Morton, Rios, Heilman, Wolff, D.
Johnston, Osowski

Senators Castaneda, Clemens, Van Oosting

1 A BILL for an Act to create and enact a new section to chapter 12.1-16, a new section to chapter
2 12.1-17, and two new sections to chapter 32-21 of the North Dakota Century Code, relating to
3 the definition of human being and person as the terms relate to the offenses of murder and
4 assault, and civil actions for death caused by wrongful acts.

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

6 **SECTION 1.** A new section to chapter 12.1-16 of the North Dakota Century Code is created
7 and enacted as follows:

8 **Definitions - Application.**

9 1. As used in this chapter:

10 a. "Human being" includes an unborn child.

11 b. "Unborn child" means an individual living human child before birth from the
12 beginning of biological development at the moment of fertilization upon the fusion
13 of a human spermatozoon with a human ovum.

14 2. This chapter does not apply to the unintentional death of an unborn child resulting
15 from:

16 a. Acts performed under the usual and customary standards of medical practice
17 during diagnostic testing;

18 b. A procedure undertaken to save the life of a mother when accompanied by
19 reasonable steps to save the life of the unborn child; or

20 c. Spontaneous miscarriage.

21 **SECTION 2.** A new section to chapter 12.1-17 of the North Dakota Century Code is created
22 and enacted as follows:

1 **Definitions - Application.**

2 1. As used in this chapter:

3 a. "Human being" includes an unborn child.

4 b. "Unborn child" means an individual living human child before birth from the
5 beginning of biological development at the moment of fertilization upon the fusion
6 of a human spermatozoon with a human ovum.

7 2. This chapter does not apply to the unintentional injury of an unborn child resulting
8 from:

9 a. Acts performed under the usual and customary standards of medical practice
10 during diagnostic testing;

11 b. A procedure undertaken to save the life of a mother when accompanied by
12 reasonable steps to save the life of the unborn child; or

13 c. Spontaneous miscarriage.

14 **SECTION 3.** A new section to chapter 32-21 of the North Dakota Century Code is created
15 and enacted as follows:

16 **Definitions.**

17 As used in this chapter:

18 1. "Person" includes an unborn child.

19 2. "Unborn child" means an individual living human child before birth from the beginning
20 of biological development at the moment of fertilization upon the fusion of a human
21 spermatozoon with a human ovum.

22 **SECTION 4.** A new section to chapter 32-21 of the North Dakota Century Code is created
23 and enacted as follows:

24 **Exceptions.**

25 This chapter does not apply to the unintentional injury of an unborn child resulting from:

26 1. Acts performed under the usual and customary standards of medical practice during
27 diagnostic testing;

28 2. A procedure undertaken to save the life of a mother when accompanied by reasonable
29 steps to save the life of the unborn child; or

30 3. Spontaneous miscarriage.