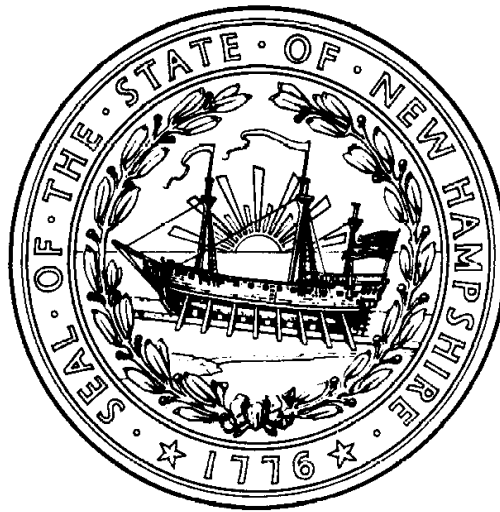


April 26, 2012
No. 17B

STATE OF NEW HAMPSHIRE

WEB SITE ADDRESS:
www.gencourt.state.nh.us



Second Year of the 162nd Session of the New Hampshire General
Court Legislative

SENATE CALENDAR ADDENDUM

**THE SENATE WILL MEET IN SESSION ON WEDNESDAY, MAY 2, 2012, AT
10:00 A.M.**

REGULAR CALENDAR REPORT

JUDICIARY

HB 217-FN, amending the first and second degree murder statutes and the negligent homicide statute to include causing the death of a fetus.

Ought to Pass with Amendment, Vote 4-1.

Senator Luther for the committee.

AMENDMENT

Senate Judiciary

April 27, 2012

2012-1896s

04/01

Amendment to HB 217-FN

Amend the title of the bill by replacing it with the following:

AN ACT including “unborn child” in the definition of “another” for the purpose of first and second degree murder, manslaughter, and negligent homicide.

Amend the bill by replacing all after the enacting clause with the following:

1 Homicide; Capital Murder; Definition of Unborn Child. Amend RSA 630:1, IV to read as follows:

IV. As used in this section [~~and RSA 630:1-a, 1-b, 2, 3 and 4~~], the meaning of “another” does not include a ~~[fetus]~~ **fetus**.

2 New Paragraphs; First Degree Murder; Definition of Another; Exemption for Abortion.

Amend RSA 630:1-a by inserting after paragraph III the following new paragraphs:

IV. For the purposes of this section and RSA 630:1-b, RSA 630:2, RSA 630:3, and RSA 630:4, the meaning of “another” shall include an unborn child as defined in paragraph V.

V.(a) Nothing in this section or RSA 630:1-b, RSA 630:2, RSA 630:3, or RSA 630:4 shall apply to any act committed by the mother of the unborn child, to any medical procedure, including abortion, performed by a physician or other licensed medical professional at the request of the pregnant woman or her legal guardian, or to the lawful dispensation or administration of lawfully prescribed medication. For the purposes of this section and RSA 630:1-b, RSA 630:2, RSA 630:3, or RSA 630:4, “abortion” means the act of using or prescribing any instrument, medicine, drug, or any other substance, device, or means with the intent to terminate the clinically diagnosable pregnancy of a woman with knowledge that the termination by those means will, with reasonable likelihood, cause the death of the unborn child. Such use, prescription, or means is not an abortion if done with the intent to save the life or preserve the health of an unborn child, or to remove a dead unborn child caused by spontaneous abortion, or to remove an ectopic pregnancy.

(b) In this section:

(1) "Conception" means the fusion of a human spermatozoon with a human ovum.

(2) "Pregnant" means the female reproductive condition of having an unborn child in the woman's body.

(3) "Unborn child" means the offspring of human beings from conception until birth.

3 Effective Date. This act shall take effect January 1, 2013.

2012-1896s

AMENDED ANALYSIS

This bill provides that an unborn child shall be included in the definition of "another" for the purpose of first and second degree murder, manslaughter, and negligent homicide.