

**CHAPTER 188**  
**SB 66-FN - FINAL VERSION**

02/16/2017 0490s  
1Jun2017... 1360h  
06/22/2017 2370EBA

2017 SESSION

17-0447  
04/09

SENATE BILL            ***66-FN***

AN ACT                    including a fetus in the definition of "another" for purposes of certain criminal offenses.

SPONSORS:              Sen. Birdsell, Dist 19; Sen. Avard, Dist 12; Sen. Carson, Dist 14; Sen. Bradley, Dist 3; Sen. Innis, Dist 24; Sen. Ward, Dist 8; Sen. French, Dist 7; Sen. Reagan, Dist 17; Sen. Gannon, Dist 23; Sen. Gray, Dist 6; Rep. Hoelzel, Rock. 3

COMMITTEE:            Judiciary

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AMENDED ANALYSIS

This bill provides that a fetus shall be included in the definition of “another” for the purposes of first and second degree murder, manslaughter, negligent homicide, and causing or aiding suicide.

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Explanation:            Matter added to current law appears in ***bold italics***.  
                         Matter removed from current law appears ~~[in brackets and struck through.]~~  
                         Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Seventeen*

AN ACT                    including a fetus in the definition of "another" for purposes of certain criminal offenses.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1            188:1 Homicide; Capital Murder; Definition of Another. Amend RSA 630:1, IV to read as  
2 follows:

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

5            188:2 New Paragraphs; First Degree Murder; Definition of Another; Exemption for Abortion.  
6 Amend RSA 630:1-a by inserting after paragraph III the following new paragraphs:

7            IV. For the purposes of this section and RSA 630:1-b, RSA 630:2, RSA 630:3, and  
8 RSA 630:4, the meaning of "another" shall include a fetus as defined in paragraph V.

9            V.(a) Nothing in [~~this section or RSA 630:1-b, RSA 630:2, RSA 630:3, or RSA 630:4~~]  
10 **paragraph IV** shall apply to:

11                    (1) Any act committed by the pregnant woman;

12                    (2) Any act committed at the request or direction of the pregnant woman or for the  
13 benefit of the pregnant woman;

14                    (3) Any act performed by a physician or other medical professional in the course of  
15 such physician's or medical professional's professional duties, including but not limited to, an act  
16 that results in the termination of a pregnancy; or

17                    (4) Any act taken in furtherance of the lawful dispensation or administration of  
18 prescription or nonprescription medication.

19                    (b) In this section:

20                    (1) "Fetus" means an unborn offspring, from the embryo stage which is the end of  
21 the twentieth week after conception or, in the case of in vitro fertilization, the end of the twentieth  
22 week after implantation, until birth.

23                    (2) "Pregnant" means the female reproductive condition of having one or more  
24 developing embryos or fetuses implanted in the uterus or elsewhere in the female body.

25                    (3) "Pregnancy" means one or more developing embryos or fetuses implanted in the  
26 uterus or elsewhere in the female body.

27            188:3 Effective Date. This act shall take effect January 1, 2018.

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Approved: June 30, 2017  
Effective Date: January 1, 2018

