

SB 40-FN – AS INTRODUCED

2015 SESSION

15-0637
04/01

SENATE BILL ***40-FN***

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

SPONSORS: Sen. Birdsell, Dist 19; Sen. Bradley, Dist 3; Sen. Carson, Dist 14; Sen. Avard, Dist 12; Rep. Notter, Hills 21

COMMITTEE: Judiciary

ANALYSIS

This bill provides that a viable 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.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Fifteen

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

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

1 1 Homicide; Capital Murder; Definition of Unborn Child. 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~~] **viable fetus**.

5 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 RSA 630:4,
8 the meaning of “another” shall include a viable fetus as defined in paragraph V.

9 V.(a) Nothing in this section or RSA 630:1-b shall apply to:

- 10 (1) Any act committed by the pregnant woman;
- 11 (2) Any act committed at the request or direction of the pregnant woman or for the
12 benefit of the pregnant woman;
- 13 (3) Any act performed by a physician or other medical professional in the course of
14 such physician’s or medical professional’s professional duties, including but not limited to, an act
15 that results in the termination of a pregnancy; or
- 16 (4) Any act taken in furtherance of the lawful dispensation or administration of
17 prescription or nonprescription medication.

18 (b) In this section:

- 19 (1) “Fetus” means a developing human that has attained the basic attributes of its
20 species.
- 21 (2) “Pregnant” means the female reproductive condition of having one or more
22 developing embryos or fetuses implanted in the uterus or elsewhere in the female body.
- 23 (3) “Pregnancy” means one or more developing embryos or fetuses implanted in the
24 uterus or elsewhere in the female body.
- 25 (4) “Viable fetus” means a fetus that is implanted in a female uterus and has
26 reached such a stage of development as to be capable of sustained extrauterine survival.

27 3 Effective Date. This act shall take effect January 1, 2016.

LBAO
15-0637
Revised 02/20/15

SB 40-FN FISCAL NOTE

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

FISCAL IMPACT:

The Office of Legislative Budget Assistant is unable to complete a fiscal note for this bill, **as introduced**, as it is awaiting information from the Judicial Branch, who was contacted on 01/14/15. When completed, the fiscal note will be forwarded to the Senate Clerk's Office.