

SB 40-FN – AS AMENDED BY THE HOUSE

6May2015... 1274h

2015 SESSION

15-0637
04/01

SENATE BILL ***40-FN***

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

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

COMMITTEE: Judiciary

AMENDED ANALYSIS

This bill provides that a fetus shall be included in the definition of “another” for the purpose 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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Fifteen

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

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

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

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

4 2 New Paragraphs; First Degree Murder; Definition of Another; Exemption for Abortion.
5 Amend RSA 630:1-a by inserting after paragraph III the following new paragraphs:

6 IV. For the purposes of this section and RSA 630:1-b, RSA 630:2, RSA 630:3, and RSA 630:4,
7 the meaning of “another” shall mean another person, or a fetus as defined in subparagraph V(b).

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

19 (b) In this section, “fetus” means an unborn offspring, from the embryo stage which is
20 the end of the eighth week after conception or, in the case of in vitro fertilization, the end of the
21 eighth week after implantation, until birth.

22 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.