

HB0338



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB0338

Introduced 1/29/2021, by Rep. Mark Batinick - Adam Niemerg and Brad Halbrook

SYNOPSIS AS INTRODUCED:

5 ILCS 70/1.36

Amends the Statute on Statutes. Provides that a live child born as a result of an abortion shall be fully recognized as a human person and accorded immediate protection under the law. Removes language regarding interpretation of specified provisions. Effective immediately.

LRB102 04449 RJF 14467 b

A BILL FOR

1 AN ACT concerning government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Statute on Statutes is amended by changing
5 Section 1.36 as follows:

6 (5 ILCS 70/1.36)

7 Sec. 1.36. Born alive infant.

8 (a) In determining the meaning of any statute or of any
9 rule, regulation, or interpretation of the various
10 administrative agencies of this State, the words "person",
11 "human being", "child", and "individual" shall include every
12 infant member of the species homo sapiens who is born alive at
13 any stage of development.

14 (b) As used in this Section, the term "born alive", with
15 respect to a member of the species homo sapiens, means the
16 complete expulsion or extraction from his or her mother of
17 that member, at any stage of development, who after such
18 expulsion or extraction breathes or has a beating heart,
19 pulsation of the umbilical cord, or definite movement of
20 voluntary muscles, regardless of whether the umbilical cord
21 has been cut and regardless of whether the expulsion or
22 extraction occurs as a result of natural or induced labor,
23 cesarean section, or induced abortion.

1 (b-5) A live child born as a result of an abortion shall be
2 fully recognized as a human person and accorded immediate
3 protection under the law.

4 (c) (Blank). ~~Nothing in this Section shall be construed to~~
5 ~~affirm, deny, expand, or contract any legal status or legal~~
6 ~~right applicable to any member of the species homo sapiens at~~
7 ~~any point prior to being born alive, as defined in this~~
8 ~~Section.~~

9 (d) (Blank). ~~Nothing in this Section shall be construed to~~
10 ~~affect existing federal or State law regarding abortion.~~

11 (e) (Blank). ~~Nothing in this Section shall be construed to~~
12 ~~alter generally accepted medical standards.~~

13 (Source: P.A. 94-559, eff. 1-1-06.)

14 Section 99. Effective date. This Act takes effect upon
15 becoming law.