

# SB1638



## 103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB1638

Introduced 2/8/2023, by Sen. Tom Bennett

### 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.

LRB103 27199 DTM 53569 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.