



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004

Introduced 2/6/2004, by Richard J. Winkel Jr., William R.
Haine

SYNOPSIS AS INTRODUCED:

5 ILCS 70/1.36 new

Amends the Statute on Statutes. Defines the terms "person", "human being", "child", and "individual" to include every infant member of the species homo sapiens who is born alive at any stage of development. Defines "born alive" to mean the complete expulsion or extraction from the mother of an infant, at any stage of development, who after such expulsion or extraction breathes or has a beating heart, pulsation of the umbilical cord, or definite movement of voluntary muscles, regardless of whether the umbilical cord has been cut and regardless of whether the expulsion or extraction occurs as a result of natural or induced labor, cesarean section, or induced abortion. Provides that nothing in these definitions shall be construed to affirm, deny, expand, or contract any legal status or legal right applicable to any member of the species homo sapiens at any point prior to being born alive.

LRB093 20213 MKM 45965 b

1 AN ACT concerning infants who are born alive.

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 adding
5 Section 1.36 as follows:

6 (5 ILCS 70/1.36 new)

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 that
17 member, at any stage of development, who after such expulsion
18 or extraction breathes or has a beating heart, pulsation of the
19 umbilical cord, or definite movement of voluntary muscles,
20 regardless of whether the umbilical cord has been cut and
21 regardless of whether the expulsion or extraction occurs as a
22 result of natural or induced labor, cesarean section, or
23 induced abortion.

24 (c) Nothing in this Section shall be construed to affirm,
25 deny, expand, or contract any legal status or legal right
26 applicable to any member of the species homo sapiens at any
27 point prior to being born alive, as defined in this Section.