

HOUSE No. 01333

The Commonwealth of Massachusetts

PRESENTED BY:

Kevin Kuros and

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to banning partial birth abortions.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Kevin Kuros</i>	<i>8th Worcester</i>
<i>Elizabeth Poirier</i>	<i>14th Bristol</i>
<i>F. Jay Barrows</i>	<i>1st Bristol</i>
<i>Paul K. Frost</i>	<i>7th Worcester</i>
<i>George Ross</i>	<i>2nd Bristol</i>
<i>James Lyons, Jr.</i>	<i>18th Essex</i>
<i>John J. Binienda</i>	<i>17th Worcester</i>
<i>Nick Collins</i>	<i>4th Suffolk</i>
<i>Ryan Fattman</i>	<i>18th Worcester</i>
<i>Sheila Harrington</i>	<i>1st Middlesex</i>
<i>Steven L. Levy</i>	<i>4th Middlesex</i>
<i>John H. Rogers</i>	<i>12th Norfolk</i>
<i>Angelo M. Scaccia</i>	<i>14th Suffolk</i>
<i>Marc Lombardo</i>	<i>22nd Middlesex</i>
<i>Richard Bastien</i>	<i>2nd Worcester</i>

HOUSE No. 01333

By Mr. Kevin Kuros of Uxbridge, petition (accompanied by bill, House, No. 01333) of Angelo M. Scaccia and others for legislation to prohibit partial birth abortions.. Joint Committee on the Judiciary.

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act relative to banning partial birth abortions.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

- 1 SECTION 1. Section 12K of Chapter 112 of the General Laws, as appearing in the 2008 Official
2 Edition, is hereby amended by adding at the end, the following paragraph:—
- 3 “Partially born,” the delivery of a living unborn fetus’ body, with the entire head attached, so that
4 any of the following has occurred:
- 5 (a) The living intact fetus’s entire head, in the case of a cephalic presentation, of any portion of
6 the living intact fetus’s torso above the navel, in the case of a breech presentation, is delivered
7 past the mother’s vaginal opening; or
- 8 (b) The living intact fetus’s entire head, in the case of a cephalic presentation, or any portion of
9 the living intact fetus’s torso above the navel, in the case of a breech presentation, is delivered
10 outside the mother’s external abdominal wall.

11 “Sharp curettage abortion” or “suction curettage abortion,” means an abortion in which the
12 developing child and the products of conception are evacuated from the uterus with a sharp
13 curettage or through a suction cannula with an attached vacuum apparatus.

14 SECTION 2. Chapter 112 of the General Laws, as so appearing, is hereby amended by inserting
15 after section 12M the following new section:—

16 Section 12M1/2. Any person who intentionally causes the death of a living intact fetus while
17 that living intact fetus is partially born, shall be punished by a fine of not less than five hundred
18 dollars nor more than two thousand dollars, or by imprisonment of not less than three months nor
19 more than five years, or by both said fine and imprisonment. Conduct which violates this section
20 which also violates any other criminal laws of the Commonwealth, may be punished either under
21 this section or other applicable criminal laws. The mother of the living intact fetus may not be
22 prosecuted for a violation of this section or for conspiracy to violate this Act.

23 This section does not apply to a sharp curettage or suction curettage abortion. This section does
24 not prohibit a physician from taking measures that in the physician’s medical judgment are
25 necessary to save the life of the mother whose life is endangered by a physical disorder, illness,
26 or injury, if:

27 (a) Every reasonable precaution is also taken, in this case, to save the child’s life; and

28 (b) The physician first certifies in writing, setting forth in detail the fact upon which the
29 physician relied in making this judgment. The certification may be completed afterwards only in
30 the case of an emergency which threatens the life of the mother.

31 SECTION 3. If any provisions of this act or its application to any person or circumstance are
32 held invalid, the remainder of the act or the application of the provision to other persons or
33 circumstance is not affected.