

FIRST REGULAR SESSION

SENATE BILL NO. 274

90TH GENERAL ASSEMBLY

INTRODUCED BY SENATORS HOUSE, KINDER, YECKEL, ROHRBACH, KENNEY,
WESTFALL, STEELMAN, CHILDERS, GRAVES, RUSSELL, SCOTT, KLARICH, DePASCO, STOLL,
SCHNEIDER, FLOTRON, WIGGINS, MUELLER, BENTLEY AND EHLMANN.

Read 1st time January 13, 1999, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

S0851 011

AN ACT

To amend chapter 565, RSMo, by adding thereto one new section relating to infanticide including protecting children from what is commonly known as partial birth abortion, with penalty provisions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 565, RSMo, is amended by adding thereto one new section, to be known as section 565.300, to read as follows:

565.300. 1. As used in this section, the following terms shall mean:

(1) "Born", complete separation of an intact child from the mother, irrespective of the duration of pregnancy and regardless of whether the umbilical cord is cut or the placenta detached;

(2) "Living infant", a human child, born or unborn, who has pulsation of the umbilical cord or definite movement of voluntary muscles or respiration or circulation or brain function, including brain stem function, or shows other evidence of life and has not yet attained the age of one year post birth;

(3) "Partially born" or "partial birth", partial separation of a child, with the head intact with the torso, from the mother, irrespective of duration of pregnancy. If vaginally delivered, a child is partially separated from the mother when the head, in a cephalic presentation, or any part of the torso above the navel, in a breech presentation, is outside of the mother's external cervical os. If delivered abdominally, a child is partially separated from the mother when the child's head, in a cephalic presentation, or any part of the torso above the navel, in a breech presentation, is outside of the mother's external abdominal wall;

(4) "Unborn child", the offspring of human beings from the moment of

conception until partial birth.

2. No person shall knowingly and intentionally kill:

- (1) A living, born infant;**
- (2) A partially born living infant; or**
- (3) A living infant aborted alive.**

3. Any person who violates the provisions of this section is guilty of infanticide and shall be punished as in the case of a class A felony.

4. The provisions of this section shall not be construed to prevent a physician from using procedures consistent with usual and customary standards of medical practice in order to prevent the death of the mother during birth. Nor shall this section be construed to prohibit a physician from using procedures consistent with usual and customary standards of medical practice for the purpose of saving the life of a mother or child which procedures unintentionally and indirectly may result in the death of the mother or child.

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Bill

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