HOUSE DOCKET, NO. 1441 FILED ON: 1/16/2013

HOUSE . . . . . No. 1452

The Commonwealth of Massachusetts

PRESENTED BY:

Kevin J. Kuros and Elizabeth A. Poirier

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:

An Act banning partial birth abortions.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Kevin J. Kuros	*8th Worcester*
Elizabeth A. Poirier	*14th Bristol*
Peter J. Durant	*6th Worcester*
John H. Rogers	*12th Norfolk*
Geoff Diehl	*7th Plymouth*
James R. Miceli	*19th Middlesex*
Angelo M. Scaccia	*14th Suffolk*
Colleen M. Garry	*36th Middlesex*
James J. Lyons, Jr.	*18th Essex*
F. Jay Barrows	*1st Bristol*
Marc T. Lombardo	*22nd Middlesex*
Keiko M. Orrall	*12th Bristol*

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By Representatives Kuros of Uxbridge and Poirier of North Attleborough, a petition (accompanied by bill, House, No. 1452) of Kevin J. Kuros, Elizabeth A. Poirier and others for legislation to prohibit partial birth abortions. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. *1333* OF 2011-2012.]

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act 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:

SECTION 1. Section 12K of Chapter 112 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by adding at the end, the following paragraph:─

"Partially born," the delivery of a living unborn fetus' body, with the entire head attached, so that any of the following has occurred:

(a) The living intact fetus's entire head, in the case of a cephalic presentation, of any portion of the living intact fetus's torso above the navel, in the case of a breech presentation, is delivered past the mother's vaginal opening; or

(b) The living intact fetus's entire head, in the case of a cephalic presentation, or any portion of the living intact fetus's torso above the navel, in the case of a breech presentation, is delivered outside the mother's external abdominal wall.

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

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

16 Section 12M1/2. Any person who intentionally causes the death of a living intact fetus
17 while that living intact fetus is partially born, shall be punished by a fine of not less than five
18 hundred dollars nor more than two thousand dollars, or by imprisonment of not less than three
19 months nor more than five years, or by both said fine and imprisonment. Conduct which violates
20 this section which also violates any other criminal laws of the Commonwealth, may be punished
21 either under this section or other applicable criminal laws. The mother of the living intact fetus
22 may not be 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
24 section does not prohibit a physician from taking measures that in the physician's medical
25 judgment are necessary to save the life of the mother whose life is endangered by a physical
26 disorder, illness, 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
32 are held invalid, the remainder of the act or the application of the provision to other persons or
33 circumstance is not affected.