

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 895

Short Title: Born Alive Infant Protection Act. (Public)

Sponsors: Representatives Blust, Hilton (Primary Sponsors); Burr, Current, Gillespie, Holloway, Hurley, Johnson, Justice, Killian, McElraft, Moore, Neumann, Sager, Samuelson, Starnes, Steen, and Tillis.

Referred to: Judiciary I, if favorable, Health.

March 31, 2009

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THAT ANY INFANT BORN ALIVE IS INCLUDED IN THE
DEFINITION OF PERSON.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 12-3 reads as rewritten:

"§ 12-3. Rules for construction of statutes.

In the construction of all statutes the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of the General Assembly, or repugnant to the context of the same statute, that is to say:

- (1) Singular and Plural Number, Masculine Gender, etc. – Every word importing the singular number only shall extend and be applied to several persons or things, as well as to one person or thing; and every word importing the plural number only shall extend and be applied to one person or thing, as well as to several persons or things; and every word importing the masculine gender only shall extend and be applied to females as well as to males, unless the context clearly shows to the contrary.
- (2) Authority, to Three or More Exercised by Majority. – All words purporting to give a joint authority to three or more public officers or other persons shall be construed as giving such authority to a majority of such officers or other persons, unless it shall be otherwise expressly declared in the law giving the authority.
- (3) 'Month' and 'Year'. – The word 'month' shall be construed to mean a calendar month, unless otherwise expressed; and the word 'year,' a calendar year, unless otherwise expressed; and the word 'year' alone shall be equivalent to the expression 'year of our Lord.' When a statute refers to a period of one or more months and the last month does not have a date corresponding to the initial date, the period shall expire on the last day of the last month.
- (4) Leap Year, How Counted. – In every leap year the increasing day and the day before, in all legal proceedings, shall be counted as one day.
- (5) 'Oath' and 'Sworn'. – The word 'oath' shall be construed to include 'affirmation,' in all cases where by law an affirmation may be substituted for an oath, and in like cases the word 'sworn' shall be construed to include the word 'affirmed.'
- (6) ~~"Person" and "Property".~~ 'Person'. – The word 'person' shall extend and be applied to bodies politic and corporate, as well as to individuals, unless the



1 context clearly shows to the contrary. The words 'person,' 'human being,'
2 'child,' and 'individual' include every infant member of the species homo
3 sapiens who is born alive at any stage of development. As used in this
4 subdivision, the term 'born alive' means having been completely expelled or
5 extracted from the infant's mother, at any stage of development, who after
6 that extraction or expulsion breathes or has a beating heart, pulsation of the
7 umbilical cord, or definite movement of voluntary muscles, regardless of
8 whether the umbilical cord has been cut, and regardless of whether the
9 expulsion or extraction occurs as a result of natural or induced labor,
10 cesarean section, or induced abortion. The words "real property" shall be
11 coextensive with lands, tenements and hereditaments. The words "personal
12 property" shall include moneys, goods, chattels, choses in action and
13 evidences of debt, including all things capable of ownership, not
14 descendable to heirs at law. The word "property" shall include all property,
15 both real and personal.

16 (7) 'Preceding' and 'Following'. – The words 'preceding' and 'following,' when
17 used by way of reference to any section of a statute, shall be construed to
18 mean the section next preceding or next following that in which such
19 reference is made; unless when some other section is expressly designated in
20 such reference.

21 (7a) 'Property'. – The words 'real property' shall be coextensive with lands,
22 tenements, and hereditaments. The words 'personal property' shall include
23 moneys, goods, chattels, choses in action, and evidences of debt, including
24 all things capable of ownership, not descendable to heirs at law. The word
25 'property' shall include all property, both real and personal.

26 (8) 'Seal'. – In all cases in which the seal of any court or public office shall be
27 required by law to be affixed to any paper issuing from such court or office,
28 the word 'seal' shall be construed to include an impression of such official
29 seal, made upon the paper alone, as well as an impression made by means of
30 a wafer or of wax affixed thereto.

31 (9) 'Will'. – The term 'will' shall be construed to include codicils as well as wills.

32 (10) 'Written' and 'in Writing'. – The words 'written' and 'in writing' may be
33 construed to include printing, engraving, lithographing, and any other mode
34 of representing words and letters: Provided, that in all cases where a written
35 signature is required by law, the same shall be in a proper handwriting, or in
36 a proper mark.

37 (11) 'State' and 'United States'. – The word 'state,' when applied to the different
38 parts of the United States, shall be construed to extend to and include the
39 District of Columbia and the several territories, so called; and the words
40 'United States' shall be construed to include the said district and territories
41 and all dependencies.

42 (12) 'Imprisonment for One Month,' How Construed. – The words 'imprisonment
43 for one month,' wherever used in any of the statutes, shall be construed to
44 mean 'imprisonment for thirty days.'

45 (13) 'Governor,' 'Senator,' 'Solicitor,' 'Elector,' 'Executor,' 'Administrator,'
46 'Collector,' 'Juror,' and 'Auditor'. – The words 'Governor,' 'Senator,' 'district
47 attorney,' 'elector,' 'executor,' 'administrator,' 'collector,' 'juror,' 'auditor,' and
48 any other words of like character shall when applied to the holder of such
49 office, or occupant of such position, be words of common gender, and they
50 shall be a sufficient designation of the person holding such office or
51 position, whether the holder be a man or woman."

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SECTION 2. This act is effective when it becomes law.