



HOUSE BILL No. 5891

May 21, 1996, Introduced by Reps. Lowe, Cropsey, Walberg, McBryde, Hill, Ryan, Gernaat, Llewellyn, Middleton, DeLange, Green, Dalman, Hammerstrom, Horton, Law, Rhead, London, McManus, Bullard, Perricone, Voorhees and Goschka and referred to the Committee on Human Services.

A bill to amend Act No. 328 of the Public Acts of 1931, entitled as amended "The Michigan penal code," as amended, being sections 750.1 to 750.568 of the Michigan Compiled Laws, by adding section 316a; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Act No. 328 of the Public Acts of 1931, as
2 amended, being sections 750.1 to 750.568 of the Michigan Compiled
3 Laws, is amended by adding section 316a to read as follows:

4 SEC. 316A. (1) EXCEPT IN THE CASE OF A MEDICAL EMERGENCY, A
5 PERSON WHO DOES EITHER OF THE FOLLOWING WITH THE INTENT TO TERMI-
6 NATE THE LIFE OF A PARTIALLY OR WHOLLY BORN HUMAN INFANT IS

1 GUILTY OF FIRST DEGREE MURDER AND SHALL BE PUNISHED BY
2 IMPRISONMENT FOR LIFE:

3 (A) DIRECTLY OR INDIRECTLY ADMINISTERS TO THE INFANT A DRUG
4 OR SUBSTANCE THAT RESULTS IN THE DEATH OF THAT INFANT.

5 (B) ENGAGES IN A PROCEDURE PERFORMED UPON THE PARTIALLY OR
6 WHOLLY BORN HUMAN INFANT THAT RESULTS IN THE DEATH OF THAT
7 INFANT.

8 (2) AS USED IN THIS SECTION:

9 (A) "MEDICAL EMERGENCY" MEANS THAT CONDITION WHICH, ON THE
10 BASIS OF THE PHYSICIAN'S GOOD FAITH CLINICAL JUDGMENT, SO COMPLI-
11 CATES THE MEDICAL CONDITION OF A PREGNANT WOMAN AS TO NECESSITATE
12 THE IMMEDIATE TERMINATION OF HER PREGNANCY BY DILATION AND
13 EXTRACTION AND NO OTHER PROCEDURE TO AVERT THE WOMAN'S DEATH OR
14 FOR WHICH A DELAY OR OTHER PROCEDURE WILL CREATE A SERIOUS RISK
15 OF SUBSTANTIAL AND IRREVERSIBLE IMPAIRMENT OF A MAJOR BODILY
16 FUNCTION.

17 (B) "PARTIALLY OR WHOLLY BORN HUMAN INFANT" MEANS A HUMAN
18 INFANT OR A FETUS THAT IS ALIVE AT THE TIME ALL OR A PORTION OF
19 ITS BODY IS REMOVED OR EXPELLED FROM THE WOMB.

20 Section 2. Section 316a of the Michigan penal code, Act
21 No. 328 of the Public Acts of 1931, being section 750.316a of the
22 Michigan Compiled Laws, as added by this amendatory act, is
23 repealed effective upon the date of a United States supreme court
24 determination that a state may prohibit abortion in any form that
25 is not necessary to save a woman's life or prevent a serious risk
26 of harm to a major bodily function.