~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

May 13, 2009

**H. 3342**

Introduced by Reps. Delleney, Simrill, Nanney, Allison, Clemmons, Erickson, Hamilton, Lucas, Owens, Parker, Pinson, Scott, G.R. Smith, J.R. Smith, Loftis, Duncan, Hiott, Bedingfield, Rice and Vick

S. Printed 5/13/09--S.

Read the first time March 3, 2009.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (H. 3342) to amend Section 2‑7‑30, Code of Laws of South Carolina, 1976, relating to the construction of the words “person” and “party” as those words appear, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, page 1, by striking line 39 in its entirety, and inserting therein the following:

/ to Article 1, Chapter 23, Title 1, unless otherwise defined in the act, joint resolution, or regulation, the words ‘person’, ‘human /

Amend the bill further, as and if amended, page 2, by striking line 13 in its entirety, and inserting therein the following:

/ being born alive as defined in this subsection.

(4) Nothing in this subsection shall be construed to affect existing federal or state law regarding abortion.

(5) Nothing in this subsection shall be construed to alter generally accepted medical standards.” /

Renumber sections to conform.

Amend title to conform.

C. BRADLEY HUTTO for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

ESTIMATED FISCAL IMPACT ON GENERAL FUND EXPENDITURES:

$0 (No additional expenditures or savings are expected)

ESTIMATED FISCAL IMPACT ON FEDERAL & OTHER FUND EXPENDITURES:

$0 (No additional expenditures or savings are expected)

**EXPLANATION OF IMPACT:**

The Department of Health and Human Services and the Department of Health & Environmental Control both indicate this bill will have no direct fiscal impact on their respective agency.

*Approved By:*

Harry Bell

Office of State Budget

**A** **BILL**

TO AMEND SECTION 2‑7‑30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CONSTRUCTION OF THE WORDS “PERSON” AND “PARTY” AS THOSE WORDS APPEAR IN THE LAWS OF THIS STATE, SO AS TO PROVIDE FURTHER FOR THE CONSTRUCTION OF “PERSON”, “HUMAN BEING”, “CHILD”, AND “INDIVIDUAL”, SO THAT THEY INCLUDE EVERY INFANT MEMBER OF SPECIES HOMO SAPIENS WHO IS BORN ALIVE AND TO DEFINE “BORN ALIVE”.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 2‑7‑30 of the 1976 Code is amended to read:

“Section 2‑7‑30. (A) The words ‘person’ and ‘party’ and any other word importing the singular number used in any act or joint resolution shall be held to include the plural and to include firms, companies, associations, and corporations and all words in the plural shall apply also to the singular in all cases in which the spirit and intent of the act or joint resolution may require it. All words in an act or joint resolution importing the masculine gender shall apply to females also and words in the feminine gender shall apply to males. And all words importing the present tense shall apply to the future also.

(B)(1) In determining the meaning of any act or joint resolution of the General Assembly or in a regulation promulgated pursuant to Article 1, Chapter 23, Title 1, the words ‘person’, ‘human being’, ‘child’, and ‘individual’, must include every infant member of the species homo sapiens who is born alive at any stage of development.

(2) As used in this subsection, the term ‘born alive’, with respect to a member of the species homo sapiens, means the complete expulsion or extraction from the mother of that member, at any stage of development, who after the expulsion or extraction breathes or has a beating heart, pulsation of the umbilical cord, or definite movement of voluntary muscles, regardless of whether the umbilical cord has been cut, and regardless of whether the expulsion or extraction occurs as a result of natural or induced labor, cesarean section, or induced abortion.

(3) Nothing in this subsection may be construed to affirm, deny, expand, or contract any legal status or legal right applicable to any member of the species homo sapiens at any point before being ‘born alive’ as defined in this subsection.”

SECTION 2. This act takes effect upon approval by the Governor.

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