

By: Representatives Fillingane, Akins,
Aldridge, Beckett, Bentz, Chism, Davis,
Ellington, Formby, Gunn, Howell, Janus, Lott,
Martinson, Mayhall, Mims, Moore, Nicholson,
Parker, Reed, Reeves, Rotenberry, Staples,
Turner, Wells-Smith, Robinson (84th), Compretta

To: Judiciary B

HOUSE BILL NO. 1612
(As Passed the House)

1 AN ACT TO PROHIBIT ALLOWING A CHILD WHICH IS DELIVERED IN A
2 FAILED ABORTION TO DIE; TO REQUIRE CERTAIN CARE TO BE PROVIDED TO
3 A LIVING CHILD; TO PROVIDE PENALTIES FOR VIOLATIONS; AND FOR
4 RELATED PURPOSES.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

6 **SECTION 1.** (1) It shall be unlawful for any physician
7 performing an abortion that results in the delivery of a living
8 child to intentionally allow or cause the child to die.

9 (2) If the child is viable, such child shall be immediately
10 provided appropriate medical care and comfort care necessary to
11 sustain life. If the child is not viable, such child shall be
12 provided comfort care. The provision of this section shall
13 include, but not be limited to, a child born with physical or
14 mental handicapping conditions which, in the opinion of the
15 parent, the physician or other persons, diminishes the quality of
16 the child's life, a child born alive during the course of an
17 attempted abortion and a child not wanted by the parent.

18 (3) As used in this section the term "child" includes every
19 infant member of the species homo sapiens who is born alive at any
20 stage of development.

21 (4) Any person who violates this section shall be guilty of
22 a felony and, upon conviction, be imprisoned for not less than one
23 (1) year nor more than ten (10) years in the State Penitentiary
24 and fined not more than Fifty Thousand Dollars (\$50,000.00) but
25 not less than Twenty-five Thousand Dollars (\$25,000.00).

26 **SECTION 2.** This act shall take effect and be in force from
27 and after July 1, 2004.