

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE BILL 1774

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

Sponsors: Representatives Blust; Hilton, Moore, Samuelson, Starnes, and Wiley.

Referred to: Rules, Calendar, and Operations of the House, if favorable, Judiciary I.

April 19, 2007

1 A BILL TO BE ENTITLED
2 AN ACT TO CLARIFY THAT ANY INFANT BORN ALIVE IS INCLUDED IN THE
3 DEFINITION OF PERSON.

4 The General Assembly of North Carolina enacts:

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

6 "§ 12-3. Rules for construction of statutes.

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

- 10 (1) Singular and Plural Number, Masculine Gender, etc. – Every word
11 importing the singular number only shall extend and be applied to
12 several persons or things, as well as to one person or thing; and every
13 word importing the plural number only shall extend and be applied to
14 one person or thing, as well as to several persons or things; and every
15 word importing the masculine gender only shall extend and be applied
16 to females as well as to males, unless the context clearly shows to the
17 contrary.
- 18 (2) Authority, to Three or More Exercised by Majority. – All words
19 purporting to give a joint authority to three or more public officers or
20 other persons shall be construed as giving such authority to a majority
21 of such officers or other persons, unless it shall be otherwise expressly
22 declared in the law giving the authority.
- 23 (3) 'Month' and 'Year'. – The word 'month' shall be construed to mean a
24 calendar month, unless otherwise expressed; and the word 'year,' a
25 calendar year, unless otherwise expressed; and the word 'year' alone
26 shall be equivalent to the expression 'year of our Lord.' When a statute
27 refers to a period of one or more months and the last month does not
28 have a date corresponding to the initial date, the period shall expire on
29 the last day of the last month.

- 1 (4) Leap Year, How Counted. – In every leap year the increasing day and
2 the day before, in all legal proceedings, shall be counted as one day.
- 3 (5) 'Oath' and 'Sworn'. – The word 'oath' shall be construed to include
4 'affirmation,' in all cases where by law an affirmation may be
5 substituted for an oath, and in like cases the word 'sworn' shall be
6 construed to include the word 'affirmed.'
- 7 (6) ~~"Person" and "Property".~~ 'Person'. – The word 'person' shall extend and
8 be applied to bodies politic and corporate, as well as to individuals,
9 unless the context clearly shows to the contrary. The words 'person',
10 'human being', 'child', and 'individual' include every infant member of
11 the species homo sapiens who is born alive at any stage of
12 development. As used in this subdivision, the term 'born alive' means
13 having been completely expelled or extracted from the infant's mother,
14 at any stage of development, who after that extraction or expulsion
15 breathes or has a beating heart, pulsation of the umbilical cord, or
16 definite movement of voluntary muscles, regardless of whether the
17 umbilical cord has been cut, and regardless of whether the expulsion or
18 extraction occurs as a result of natural or induced labor, cesarean
19 section, or induced abortion. The words "real property" shall be
20 coextensive with lands, tenements and hereditaments. The words
21 "personal property" shall include moneys, goods, chattels, choses in
22 action and evidences of debt, including all things capable of
23 ownership, not descendable to heirs at law. The word "property" shall
24 include all property, both real and personal.
- 25 (7) 'Preceding' and 'Following'. – The words 'preceding' and 'following',
26 when used by way of reference to any section of a statute, shall be
27 construed to mean the section next preceding or next following that in
28 which such reference is made; unless when some other section is
29 expressly designated in such reference.
- 30 (7a) 'Property'. – The words 'real property' shall be coextensive with lands,
31 tenements, and hereditaments. The words 'personal property' shall
32 include moneys, goods, chattels, choses in action, and evidences of
33 debt, including all things capable of ownership, not descendable to
34 heirs at law. The word 'property' shall include all property, both real
35 and personal.
- 36 (8) 'Seal'. – In all cases in which the seal of any court or public office shall
37 be required by law to be affixed to any paper issuing from such court
38 or office, the word 'seal' shall be construed to include an impression of
39 such official seal, made upon the paper alone, as well as an impression
40 made by means of a wafer or of wax affixed thereto.
- 41 (9) 'Will'. – The term 'will' shall be construed to include codicils as well as
42 wills.
- 43 (10) 'Written' and 'in Writing'. – The words 'written' and 'in writing' may be
44 construed to include printing, engraving, lithographing, and any other

1 mode of representing words and letters: Provided, that in all cases
2 where a written signature is required by law, the same shall be in a
3 proper handwriting, or in a proper mark.

4 (11) 'State' and 'United States'. – The word 'state,' when applied to the
5 different parts of the United States, shall be construed to extend to and
6 include the District of Columbia and the several territories, so called;
7 and the words 'United States' shall be construed to include the said
8 district and territories and all dependencies.

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

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

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