

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

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HOUSE BILL 1509

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

Sponsors: Representatives Blust; Capps, Gillespie, Hilton, Moore, Setzer, Starnes, Vinson, and Wiley.

Referred to: Judiciary I.

April 21, 2005

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

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

- 1 (10) 'Written' and 'in Writing'. – The words 'written' and 'in writing' may be
2 construed to include printing, engraving, lithographing, and any other
3 mode of representing words and letters: Provided, that in all cases
4 where a written signature is required by law, the same shall be in a
5 proper handwriting, or in a proper mark.
- 6 (11) 'State' and 'United States'. – The word 'state,' when applied to the
7 different parts of the United States, shall be construed to extend to and
8 include the District of Columbia and the several territories, so called;
9 and the words 'United States' shall be construed to include the said
10 district and territories and all dependencies.
- 11 (12) 'Imprisonment for One Month,' How Construed. – The words
12 'imprisonment for one month,' wherever used in any of the statutes,
13 shall be construed to mean 'imprisonment for thirty days.'
- 14 (13) 'Governor,' 'Senator,' 'Solicitor,' 'Elector,' 'Executor,' 'Administrator,'
15 'Collector,' 'Juror,' and 'Auditor'. – The words 'Governor,' 'Senator,'
16 'district attorney,' 'elector,' 'executor,' 'administrator,' 'collector,' 'juror,'
17 'auditor,' and any other words of like character shall when applied to
18 the holder of such office, or occupant of such position, be words of
19 common gender, and they shall be a sufficient designation of the
20 person holding such office or position, whether the holder be a man or
21 woman."

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