FORMATTING NOTE:
In initiatives, legislative bills and other proposed measures, language that is to be deleted from current statutes is represented by a "strikethrough" character and language that is to be added is underlined. Because these special characters cannot be formatted in all Internet browsers, a different set of symbols is used for presenting these proposals on-line. The symbols are as follows:

- Text that is surrounded by (({- text here -})) is text that will be DELETED FROM the existing statute if the proposed measure is approved.
- Text that is surrounded by {+ text here +} is text that will be ADDED TO the existing statute if the proposed measure is approved.
- {+ NEW SECTION+} (found at the beginning of a section or paragraph) indicates that ALL of the text in that section will become law if the proposed measure is approved.

*   *   *

INITIATIVE 694

AN ACT Relating to limiting partial-birth infanticide; adding a new chapter to Title 9A RCW; and prescribing penalties.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF WASHINGTON:

{+ NEW SECTION. +} Sec. 1. The sovereign people hereby find that, in accordance with current scientific evidence, medical terminology and practice, and decisions of the United States supreme court in Roe v. Wade and other cases:
(1) Pregnancy begins with conception and ends when the process of birth begins.
(2) The process of birth begins when a living child begins to exit the uterus or womb by any means and ends when the child is fully delivered or expelled from the vagina or birth canal by any means.
(3) Birth is an irreversible process that, once begun, will inevitably result in the complete delivery or expulsion of an infant child.
(4) Even a living fetus that is prematurely and artificially extracted from the uterus or womb into the vagina or birth canal will be born alive if not killed during the process of birth.
(5) Scientifically, medically, and legally, a child in the process of birth is no longer a fetus, but an infant.
(6) The intentional killing of an infant child in the process of birth is infanticide.
(7) Abortion is the termination of a pregnancy by intentionally killing a living human fetus in the uterus or womb before the process of birth begins.
(8) Regulating partial-birth infanticide is not regulating abortion, but rather, is proscribing infanticide by restricting the killing of a live infant who is in the process of birth, that is, who has exited by any means, at least in part, the uterus or womb and has entered by any means, at least in part, the vagina or birth canal.
(9) Although the United States supreme court has declared a right to choose an abortion to terminate a pregnancy, it has never held that there is a fundamental or constitutional right to kill a partially born infant, that is, a child in the process of birth.
(10) Because abortion is the termination of a pregnancy, a prohibition against killing an infant child in the process of birth

does not implicate abortion jurisprudence.

(11) This chapter is not intended to stop any abortion performed to terminate a pregnancy, but is intended to stop the killing of partially born infant children and to establish and maintain a clear and impenetrable barrier against partial-birth infanticide.

{+ NEW SECTION. +} Sec. 2. (1) "Partial-birth infanticide" means the killing of an infant in the process of birth by a person who deliberately and intentionally performs a procedure on the partially born infant that the person knows will terminate the life of the infant and the procedure does terminate the life of the infant.

(2) "Partially born infant" means a child in the process of birth.

(3) "Process of birth" means the pregnancy has ended and the process of being born has begun, that is, the point in time has occurred when the maternal cervix has become dilated, the protective membrane of the amniotic sac has become ruptured, and any part or member of an infant child has passed from the uterus or womb beyond the plane of the cervical os.

{+ NEW SECTION. +} Sec. 3. It is a felony for a person to perform partial-birth infanticide.

{+ NEW SECTION. +} Sec. 4. This chapter does not apply to partial-birth infanticide performed to prevent the death of a mother where no other procedure, including the induction of labor or cesarean section, would suffice to prevent the death of the mother.

{+ NEW SECTION. +} Sec. 5. This chapter does not apply to any abortion performed to terminate a pregnancy, that is, any abortion performed in the uterus or womb prior to the point in time when the pregnancy has ended and the process of birth has begun, that is, any abortion performed in the uterus or womb prior to the point in time when the maternal cervix has become dilated, the protective membrane of the amniotic sac has become ruptured, and any part or member of an infant child has passed from the uterus or womb beyond the plane of the cervical os.

{+ NEW SECTION. +} Sec. 6. The provisions of this chapter are to be liberally construed to effectuate the policies and purposes of this chapter. In the event of conflict between this chapter and any other provision of law, the provisions of this chapter shall govern.

{+ NEW SECTION. +} Sec. 7. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

{+ NEW SECTION. +} Sec. 8. Sections 1 through 7 of this act constitute a new chapter in Title 9A RCW.

--- END ---