

2011 SESSION

LEGISLATION NOT PREPARED BY DLS
INTRODUCED

11100880D

HOUSE BILL NO. 1440

Offered January 12, 2011

Prefiled November 10, 2010

A BILL to construe the word "person" under Virginia law, including, but not limited to, Va. Code Ann. 8.01-50, to include unborn children.

Patrons—Marshall, R.G., Athey, Cline, Cole, Cosgrove, Landes, Miller, J.H., Oder, Pogge and Wilt

Referred to Committee for Courts of Justice

Whereas, the Constitution of Virginia provides in Article 1, § 1, that all men are by nature equally free and independent and have certain inherent rights, of which, when they enter into a state of society, they cannot, by any compact, deprive or divest their posterity; namely, the enjoyment of life and liberty, with the means of acquiring and possessing property, and pursuing and obtaining happiness and safety; now, therefore,

Be it enacted by the General Assembly of Virginia:

1. § 1. *The life of each human being begins at conception:*

§ 2. *Unborn children have protectable interests in life, health, and well-being;*

§ 3. *The natural parents of unborn children have protectable interests in the life, health, and well-being of their unborn child.*

§ 4. *The laws of this Commonwealth shall be interpreted and construed to acknowledge on behalf of the unborn child at every stage of development, all the rights, privileges, and immunities available to other persons, citizens, and residents of this Commonwealth, subject only to the Constitution of the United States, and decisional interpretations thereof by the United States Supreme Court and specific provisions to the contrary in the statutes and constitution of this Commonwealth.*

§ 5. *As used in this section, the term "unborn children" or "unborn child" shall include all unborn child or children or the offspring of human beings from the moment of conception until birth at every stage of biological development.*

§ 6. *Nothing in this section shall be interpreted as creating a cause of action against a woman for indirectly harming her unborn child by failing to properly care for herself or by failing to follow any particular program of prenatal care.*

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