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HOUSE BILL NO. 1440

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee for Courts of Justice
on February 4, 2011)

(Patron Prior to Substitute—Delegate Marshall, R.G.)

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.

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.

§ 7. Nothing in this section shall be interpreted as affecting lawful assisted conception.