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## A BILL FOR AN ACT

RELATING TO OFFENSES AGAINST THE PERSON.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. Section 707-700, Hawaii Revised Statutes, is  
2 amended by amending the definition of "person" to read as  
3 follows:

4           "Person" means a human being who has been born and is  
5 alive[-]; provided that for the purposes of sections 707-  
6 701(1) (a), 707-701.5, 707-702(1) (a), 707-702.5, 707-703, 707-  
7 704, 707-705, 707-706, 707-710, 707-711(1) (a), (b), and (d)  
8 "person" shall include an infant member of the species homo  
9 sapiens who is born alive at any stage of development. As used  
10 in this section, "born alive" means the complete expulsion or  
11 extraction from the infant's mother at any stage of development,  
12 who after expulsion or extraction breathes or has a beating  
13 heart, pulsation of the umbilical cord, or definite movement of  
14 voluntary muscles, regardless of whether the umbilical cord has  
15 been cut, and regardless of whether the expulsion or extraction  
16 occurs as a result of natural or induced labor or cesarean  
17 section. Nothing in this section shall be construed to affirm,  
18 deny, expand, or contract any legal status or legal right



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1 applicable to any member of the species homo sapiens at any  
2 point prior to being "born alive" as defined in this section."

3 SECTION 2. Statutory material to be repealed is bracketed  
4 and stricken. New statutory material is underscored.

5 SECTION 3. This Act shall take effect on July 1, 2008.

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**Report Title:**

Offenses Against the Person; Definition of "Person"

**Description:**

Amends the penal code definition of "person" to clarify that for the purposes of offenses against the person, the term "person" includes any infant who is born alive at any stage of development. Defines the term "born alive".

