



WISCONSIN FAMILY ACTION
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TESTIMONY ON SENATE BILL 16
SENATE COMMITTEE ON JUDICIARY & PUBLIC SAFETY
THURSDAY, SEPTEMBER 9, 2021
JULAIN K. APPLING, PRESIDENT

Thank you, Chairman Wanggaard and committee members, for holding this hearing on Senate Bill 16. Wisconsin Family Action supports this bill with one reservation. Senate Bill 16, the "Born -Alive Protection Act," at a minimum clarifies the standard of medical care expected for a baby who survives an abortion or an attempted abortion, a clarification that highlights that in Wisconsin we will rightly value and protect all babies born alive. Some have indicated existing law is sufficient to ensure these babies are given appropriate medical treatment; however, the law nowhere specifically addresses babies who survive an abortion or an attempted abortion. This bill does that and specifies the standard of care, which would include transportation to and admittance in a hospital. We also believe it is important that our law specifies that it is murder when a child born alive dies because he or she is intentionally neglected. Requiring those who know about such neglect to report it is also a critical addition to our laws.

We are thankful Senator Roth has authored this bill and that others have joined him in support of it. We sincerely wish that we could give a full-throated endorsement. Unfortunately, we cannot. Our concern has to do with the last portion of Section 2 of the bill. We do not believe it is appropriate to give anyone immunity in a situation where a child born alive is intentionally killed, even if that child is born alive as a result of an abortion or an attempted abortion. This is a very different situation from providing the mother immunity from prosecution for having the abortion.

A child who somehow manages to survive an abortion or attempted abortion is deemed by the law to have been "born alive." Current state statutes (990.001(17)) are clear that a born-alive child after an abortion or attempted abortion has "the same legal status and legal rights as a human being at any point after the human being undergoes a live birth as the result of natural or induced labor or a cesarean section." To allow anyone, including the mother, to kill such a child with impunity would be in violation of existing law. In essence this provision in the bill regrettably allows for infanticide while rightly seeking to prevent infanticide.

While we support the intent of the bill and the vast majority of the provisions, we find this portion of Section 2 very problematic; and urge the authors to remove this provision.

Thank you for your thoughtful and careful attention to our position on this bill.