

Alaska State Legislature

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Sponsor Statement House Bill 205

This bill brings state law into conformity with the Constitution of the State of Alaska, which provides that “all persons have a natural right to life”, “all persons are equal and entitled to equal rights”, “all persons are entitled to equal...protection under the law”, and “no person shall be deprived of life” without due process. It makes clear, in accordance with biology and established science, that human life begins at conception, and that a child waiting to be born in Alaska is an Alaska resident if the mother of that child is an Alaska resident. Intentionally taking the life of a child waiting to be born in Alaska incurs the same penalties as taking the life of any other person. The outcome is the same in both cases, a life is snuffed out. Therefore, the crime should be the same. Under our constitution, every person in Alaska has a natural right to life, from the very young to the very old.

State law in Alaska has diverged into two parallel tracks. Murder of a child waiting to be born in Alaska is prosecuted under AS 11.41.150, which lays out the crime of Murder of an Unborn Child. Likewise, manslaughter of a child waiting to be born in Alaska is prosecuted under AS 11.41.160, which lays out the crime of Manslaughter of an Unborn Child. The crime of Criminally Negligent Homicide of an Unborn Child is likewise laid out in AS 11.47.170. Assault of an Unborn Child in the First Degree is laid out in AS 11.41.280. The crime of Assault of an Unborn Child in the second degree is laid out in AS 11.41.282. These same crimes when committed against all other persons are laid out in separate statutes; namely, AS 11.41.100-110 (Murder), AS 11.41.120 (Manslaughter), AS 11.41.130 (Criminally Negligent Homicide), AS 11.41.200 (Assault in the First Degree), and AS 11.41.210 (Assault in the Second Degree). HB 385 reunites these two parallel tracks together in statute.

The State of Alaska has a duty to protect the life of every innocent Alaskan without discrimination, and the Alaska Life at Conception Act of 2024 provides the means for the state to fulfill this duty. With passage of this law, Alaskans will no longer be forced to watch as their state facilitates and pays for the premeditated murder of Alaskan children waiting to be born, an act which the state prosecutes as a crime when committed outside the doors of an abortion clinic.

The Alaska Life at Conception Act also reminds the courts that the Constitution of the State of Alaska gives to the legislature alone the responsibility of legislating, and specifically tasks the legislature with implementing the constitutional right to privacy.

The specific concern that Alaskans were addressing when they voted to include the right to privacy provision in our state constitution was illegal government wiretapping. There was never an intent on the part of the people or on the part of the legislature to expand this provision to create a new right to end the life of a child in the womb. It is an overreach for any court to substitute its own definition of privacy in place of the right to privacy which the people understood themselves to be adopting when they gave their consent to guarantee this right in our state constitution.

In defining the right to privacy, the Alaska Life at Conception Act makes unmistakably clear that the Constitution of the State of Alaska has always protected the life of a child waiting to be born in Alaska. Likewise, the Fourteenth Amendment of the U.S. Constitution provides that Alaska shall not “deprive any person of life” without due process of law. The Alaska Life at Conception Act empowers state officials to take action to prevent the taking of an innocent child’s life. There is no greater form of child abuse than the premeditated murder of a defenseless child inside the womb.

“We hold that Roe and Casey must be overruled. The Constitution makes no reference to abortion, and no such right is implicitly protected by any constitutional provision, including the one on which the defenders of Roe and Casey now chiefly rely—the Due Process Clause of the Fourteenth Amendment.” - Justice Samuel Alito (Majority)