

AMENDMENT

OFFERED IN THE HOUSE

TO: HB 35

- 1 Page 2, line 27:
- 2 Following "death":
- 3 Insert "**or serious risk to the minor's health**"

A M E N D M E N T

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- 1 Page 2, line 29:
- 2 Delete "medical instability caused by a"

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- 1 Page 3, lines 6 - 7:
- 2 Delete "not less than 48 hours before the abortion is performed"

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1 Page 3, line 17:

2 Delete "by a declaration of the"

3 Insert "in a writing signed by the minor under penalty of perjury."

4

5 Page 3, lines 18 - 28:

6 Delete all material.

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1 Page 1, line 3, following "abortion":

2 Insert "or to bear a child"

3

4 Page 7, line 25, following "abortion":

5 Insert "or to bear a child"

6

7 Page 7, line 28, following "abortion":

8 Insert "or to bear a child"

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- 1 Page 7, line 27:
- 2 Delete "parent, legal guardian, or custodian"
- 3 Insert "person"

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1 Page 6, following line 11:

2 Insert new bill sections to read:

3 **** Sec. 7.** AS 18.16.030(e) is amended to read:

4 (e) If the complainant makes only the allegation set out in (b)(4)(A) of this
5 section and if the court finds by **a preponderance of the** [CLEAR AND
6 CONVINCING] evidence that the complainant is sufficiently mature and well enough
7 informed to decide intelligently whether to have an abortion, the court shall issue an
8 order authorizing the complainant to consent to the performance or inducement of an
9 abortion without the consent of a parent, guardian, or custodian. If the court does not
10 make the finding specified in this subsection, it shall dismiss the complaint.

11 *** Sec. 8.** AS 18.16.030(f) is amended to read:

12 (f) If the complainant makes only the allegation set out in (b)(4)(B) of this
13 section and the court finds that there is clear and convincing evidence of physical
14 abuse, sexual abuse, or a pattern of emotional abuse of the complainant by one or both
15 of the minor's parents or the minor's guardian or custodian, or by **a preponderance of**
16 **the** [CLEAR AND CONVINCING] evidence the consent of the parents, guardian, or
17 custodian of the complainant otherwise is not in the best interest of the complainant,
18 the court shall issue an order authorizing the complainant to consent to the
19 performance or inducement of an abortion without the consent of a parent, guardian,
20 or custodian. If the court does not make the finding specified in this subsection, it shall
21 dismiss the complaint."
22

23 Renumber the following bill sections accordingly.

1 Page 9, lines 29 - 30:

2 Delete "clear and convincing"

3 Insert "a preponderance of the [CLEAR AND CONVINCING]"

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1 Page 1, following line 7:

2 Insert a new bill section to read:

3 **"* Section 1.** The uncodified law of the State of Alaska is amended by adding a new section
4 to read:

5 LEGISLATIVE FINDINGS. The legislature finds, for purposes of this Act, that
6 expedited consideration of any case challenging AS 18.16.010 - 18.16.030, as amended by
7 secs. 2 - 9 of this Act, or AS 18.16.035 or 18.16.040, enacted by sec. 10 of this Act, is
8 necessary both to determine whether the statutes are constitutional and to avoid a chilling
9 effect of those statutes under the Constitution of the State of Alaska."
10

11 Page 1, line 8:

12 Delete "**Section 1**"

13 Insert "**Sec. 2**"

14

15 Renumber the following bill sections accordingly.

16

17 Page 10, following line 15:

18 Insert new bill sections to read:

19 **"* Sec. 17.** The uncodified law of the State of Alaska is amended by adding a new section to
20 read:

21 EXPEDITED CONSIDERATION BY COURT. The Alaska Supreme Court and the
22 Alaska Superior Court shall provide expedited consideration at both the trial and appellate
23 levels of any judicial proceedings involving the constitutionality of AS 18.16.010 - 18.16.030,

1 as amended by secs. 2 - 9 of this Act, or AS 18.16.035 or 18.16.040, enacted by sec. 10 of this
2 Act.

3 * **Sec. 18.** The uncodified law of the State of Alaska is amended by adding a new section to
4 read:

5 EXPEDITED CONSIDERATION OF ISSUES RELATED TO REGULATION OF A
6 MINOR'S ABORTION; LEGISLATIVE FINDING OF NO COURT RULE CHANGE. The
7 legislature finds that expedited consideration by a court under sec. 17 of this Act does not
8 constitute a court rule change necessitating a two-thirds vote of the legislature under art. IV,
9 sec. 15, or other provisions of the Constitution of the State Alaska, for the following reasons:

10 (1) the legislature has passed similar laws to require expedited consideration
11 of other disputes, examples of which include AS 18.66.120 (modification of protective orders)
12 and AS 25.30.460 (enforcement of child custody decree);

13 (2) sec. 17 of this Act does not change any court rules, but expedited
14 consideration resolves and harmonizes potential conflicts between several court rules and
15 creates a limited exception to several rules; and

16 (3) even if the court finds that sec. 17 of this Act is beyond the scope of the
17 legislature's authority under the Constitution of the State of Alaska, the legislature requests
18 the court to expedite review of the constitutionality of any challenged provisions of
19 AS 18.16.010 - 18.16.040 as a matter of comity."

20

21 Renumber the following bill sections accordingly.