



SJR4 Constitutional Amendment Relating to Abortion

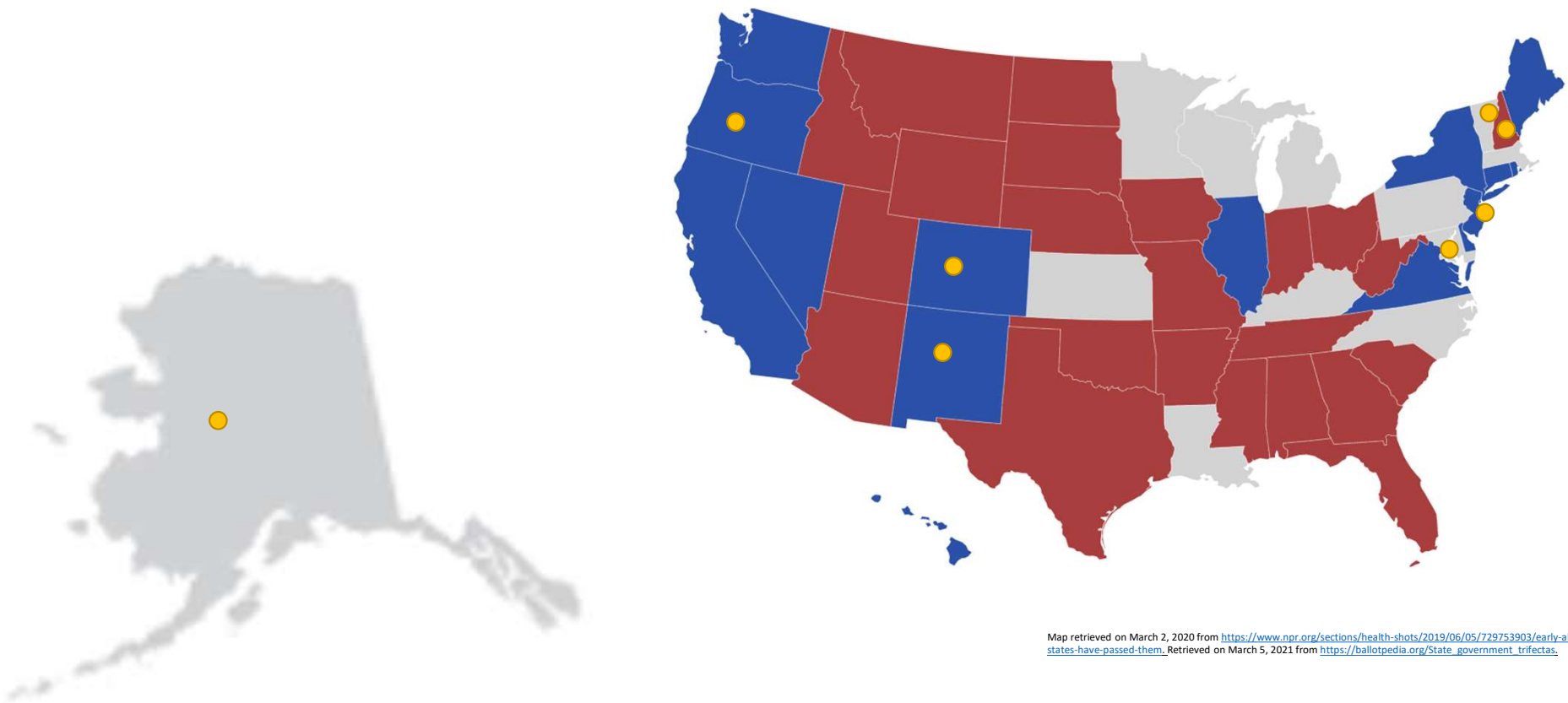
**Office of Senator Shelley Hughes
Lisa Hart, JD, MPA**

**Presentation to the
Senate Judiciary Committee
April 16, 2020**



Eight States with minimal or no abortion restrictions

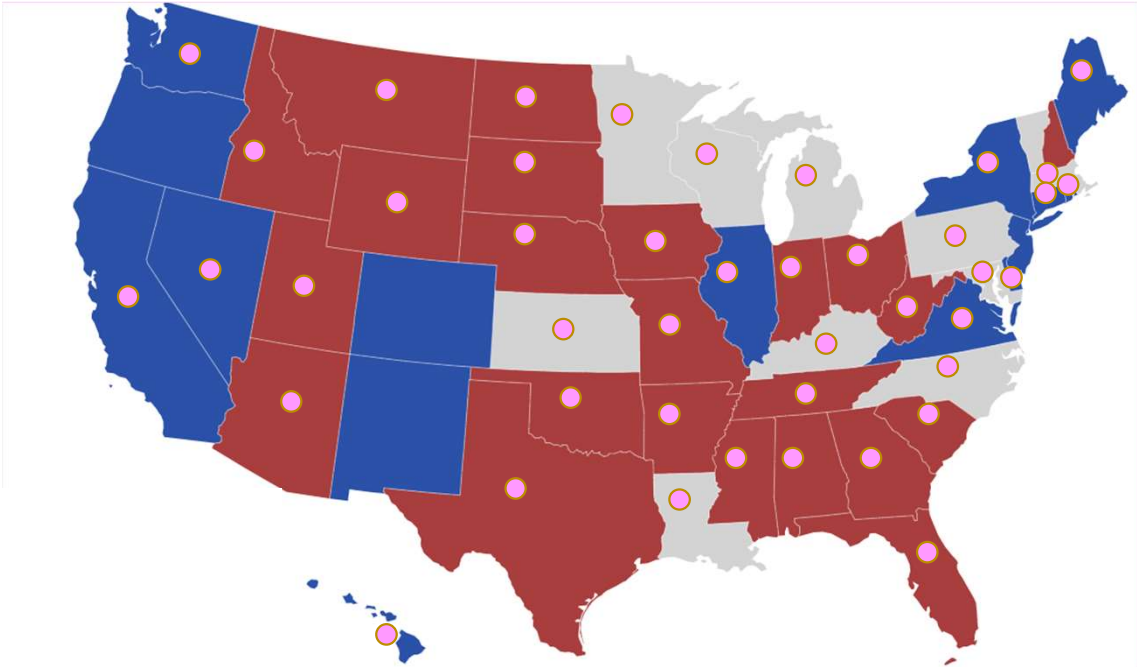
Democratic trifecta
Republican trifecta
Divided government



Map retrieved on March 2, 2020 from <https://www.npr.org/sections/health-shots/2019/06/05/729753903/early-abortion-bans-which-states-have-passed-them>. Retrieved on March 5, 2021 from https://ballotpedia.org/State_government_trifectas.

42 states have taken action
with regard to abortion

- Democratic trifecta
- Republican trifecta
- Divided government



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What about Alaska?

- The Alaska Supreme Court has determined that the Alaska Constitution provides broader abortion rights than those interpreted in the U.S. Constitution.
- Passing SJR 4 will ensure that unelected judges cannot strike down pro-life laws that are passed by Alaska's legislative body or through a citizens' ballot initiative process.



Map retrieved on Mar 5, 2021 from:
https://cdn.ballotpedia.org/images/6/62/Trifactas_3_1_2019.png.

Abortion-Related Laws Overturned in Alaska

1997: Hospital forced to be involved in abortion.

When the Alaska Legislature legalized abortion in 1970, lawmakers included a provision stating that neither hospitals nor health care workers had to participate in abortion.

The Alaska Supreme Court declared a policy by a private institution, Valley Hospital, to be unconstitutional to not allow abortions to be performed in its facility. (*Valley Hospital Association v. Mat-Su Coalition for Choice*)



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Abortion-Related Laws Overturned in Alaska

2007: Law requiring parental consent struck down.

The Supreme Court struck down a 1997 law passed by the Legislature which ensured that Alaska's law requiring parental consent before abortion could be enforced.

The court also stated in its ruling that a policy requiring only parental notification, not consent, could be upheld as constitutional. (*State of Alaska v. Planned Parenthood*).



Map retrieved on Mar 2, 2020 from :
https://cdn.ballotpedia.org/images/6/62/Trifectas_3_1_2019.png.

Abortion-Related Laws Overturned in Alaska

2016: Law requiring parental notice struck down.

As a result of the overturned parental consent law, a citizen-led voter initiative was passed. The sponsors relied in good faith on the court's 2007 indication that a parental notification statute would be constitutional.

Yet in violation of their own precedent, the Supreme Court overruled the people and struck down the parental notification law. (*Planned Parenthood of the Great Northwest v. Alaska*)



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https://cdn.ballotpedia.org/images/6/62/Trifectas_3_1_2019.png.

Abortion-Related Laws Overturned in Alaska

2019: Law defining “medically necessary” abortions struck down.

In 2014, relying on the Supreme Court’s previous ruling that the State was constitutionally obligated to pay only for medically necessary abortions, the Legislature passed a bill (SB 49) that carefully defined what abortions were medically necessary.

The Alaska Supreme Court handed down a 4 to 1 decision, striking down SB 49. (*State of Alaska v. Planned Parenthood of the Great Northwest*)



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https://cdn.ballotpedia.org/images/6/62/Trifectas_3_1_2019.png.

SJR 4 Constitutional Amendment Abortion/Funding

Sectional Analysis

“Proposing an amendment to the Constitution of the State of Alaska relating to abortion.”

Section 1 – Article I, Constitution of the State of Alaska, Page 1, Lines 3-7

Amends the Constitution of the State of Alaska by adding a new section, Section 26. Abortion. The amendment states that in order to protect human life, nothing in this constitution may be construed to secure or protect a right to an abortion or require the State to fund an abortion.

Section 2 – Article I, Constitution of the State of Alaska, Page 1, Lines 8-10

Adds that the amendment proposed by this resolution shall be placed before the voters of the state at the next general election in conformity with art. XIII, Constitution of the State of Alaska, and the election laws of the state.

We thank you!

