

ALASKA STATE LEGISLATURE

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Sectional Analysis HB 206

Section 1: Sets out the short title of "Life at Conception Act of 2021."

Section 2: Provides the legislative findings.

Section 3: Adds a new subsection to AS 01.10.055 to state that a preborn child is a resident of the state if the mother of the preborn child is a resident of the state.

Section 4: Adds definitions of "conception," "natural person," "preborn child," "abortion," "birth," and "child" that apply throughout the Alaska statutes.

Section 5: Adds a new subsection (c) to AS 01.10.060 stating "The terms defined in (a)(15) - (20) of this section are not subject to judicial review."

Section 6: Adds a new section, AS 01.15.010, that states that abortion or any other taking of innocent human life is not protected under the right to privacy under art. I, sec. 22, Constitution of the State of Alaska.

Section 7: Amends AS 08.64.364(c) to remove a Physicians ability to prescribe an abortion inducing drug under AS 18.16.010 that is repealed by sec. 33 of this act.

Section 8: Changes "unborn child" to "preborn child" in AS 09.55.585(a) and adds legal guardian as a person who can bring an action.

Section 9: Changes "unborn child" to "preborn child" in AS 09.55.585(c) and adds legal guardian.

Section 10: Adds a new section, AS 09.65.252, that provides immunity for persons who take a good faith action to implement the changes made by the Act.

Section 11: Amends AS 11.41.140 to change "human being" to "natural person" that is "alive" when referring to the victim of a crime. This section also adds additional criteria for defining "alive" when the victim is a child. The additions are as follows:

A person who is a child is "alive" if the child

- (1) Meets the criteria under this section to be alive; or
- (2) Is in the process of developing the ability to meet the criteria under this section to be alive.

Section 12: Removes references to AS 11.41.150-11.41.170 and AS 11.41.280-11.41.282 that are repealed in sec. 33 of this Act.

Section 13: Removes “murder of and unborn child” from AS 11.81.250(a).

Section 14: Removes “murder of and unborn child” from AS 11.81.250(b).

Section 15: Removes “murder of and unborn child” from AS 12.55.035(b).

Section 16: Removes “murder of and unborn child” from AS 12.55.125(a).

Section 17: Removes “murder of and unborn child” from AS 12.55.125(b).

Section 18: Removes “an unborn person” from AS 13.06.120(a)(2)(C) and “born or unborn” from AS 13.06.120(a)(2)(G). This section also removes “unborn persons” from AS 13.06.120(a)(4) and (5).

Section 19: Removes “unborn” from AS 13.16.665.

Section 20: Deletes language from the form for a parent or guardian to designate an attorney-in-fact relating to abortions for the minor child.

Section 21: Removes references to abortion in AS 13.26.316(e).

Section 22: Removes references to abortion in AS 13.52.050.

Section 23: Removes references to abortion in AS 18.05.032(a), removes “unborn” from AS 18.05.032(a)(5), changes “fertilization” to “conception” in AS 18.05.032(a)(5), and changes “fertilization” to “sperm-egg-fusion”.

Section 24: Removes “unborn” in AS 18.05.032(c)(3).

Section 25: Removes “unborn” in AS 21.07.250(3).

Section 26: Amends AS 25.20.025(a) to remove a reference to AS 18.16.010(a)(3), which is repealed in sec. 36 of the bill.

Section 27: Amends AS 25.20.025 to add a new subsection that was necessary due to changes to the structure of AS 25.20.025(a) in sec. 26 of the bill.

Section 28: Changes the definition of “child” to be a son or daughter, whether by conception or by adoption.

Section 29: Amends AS 44.21.410(a) to remove the duty of the office of public advocacy to represent minors in the judicial bypass procedures for minors seeking abortions under AS 18.16.030.

Section 30: Adds new subsections to AS 44.23.020 stating that:

- (l) The attorney general may defend a citizen of the state who is prosecuted by the federal government for violation of federal law or court order requiring the procurement or facilitation of abortion in the state.
- (m) The attorney general shall file legal action necessary to prevent the implementation of a federal statute, regulation, rule, or order that violates the rights of a resident of the state.
- (n) The attorney general may not enter an appearance in a federal civil action related to the Life at Conception Act or the Preborn Child Equality Act of 2021.
- (o) Subsections (l) – (n) of this section are not subject to judicial review.

Section 31: Adds a new section to AS 44.23 prohibiting enforcement of any federal statute, regulation, rule, or order effective after the effective date of this act by any official, agent, or employee of the state, a municipality, or the federal government if the federal statute, regulation, rule, or order violates the US or Alaska Constitutions, by

- (1) requiring that assistance be given to facilitate an abortion in the state; or
- (2) requiring that assistance be given to facilitate the removal of a child from the state for the purpose of killing the child.

This section is not subject to judicial review.

Section 32: Amends AS 44.99.040(a)(1) to add a “federal court order” to the list of federal actions that state or municipal agencies may not assist the implementation of if the actions infringe upon certain constitutional rights. This section also adds to the list of rights that state and municipal agencies may not assist in the infringement of.

Subsection: (C) infringe on a person's right to life under the Fifth and Fourteenth Amendments to the Constitution of the United States.

Section 33: Repeals several statutes pertaining to the applicability of crimes to a pregnant woman or a health care provider and related to abortion procedures and related matters.

Section 34: Provides for the applicability of the repeal of AS 11.41.180 and 11.41.289 and the amendment of AS 11.41.150(a) to offenses committed on or after the effective date.

Section 35: Provides that, notwithstanding AS 01.10.030, the provision of this Act are not severable.

Section 36: Provides for an immediate effective date.