

# Alaska State Legislature

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## Senator Shelley Hughes

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### **SJR 4 Constitutional Amendment: Abortion/Funding Sponsor Statement**

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

Senate Joint Resolution 4 proposes an amendment to the Alaska State Constitution, adding a new section that would provide clarity regarding Article 1 (specifically pertaining to the right to privacy and the right to equal protection) and Alaska’s ability to set public policy related to abortion.

Although the U.S. Supreme Court declared in *Roe v. Wade* (1973), and reaffirmed in *Planned Parenthood v. Casey* (1992), that there is an alleged federal constitutional right to abortion, the federal courts have nonetheless held that states can still legislate related issues in a number of ways – e.g., by banning the use of public funds for abortions, requiring a parent to consent before abortion can be performed on a minor, and even disallowing certain abortion procedures (such as partial-birth abortion or late term abortion).

In Minnesota, both parents must be informed before a minor can have an abortion. In Illinois, one parent must be informed. There are 37 states that have laws requiring parental notification, and 21 requiring actual parental consent; additionally, 21 states have laws in effect that prohibit “partial birth” abortion, and 3 have laws that apply to post-viability (ability to survive outside of the uterus) abortions. In Alaska, we are unable to have any provisions in law related to these matters unless we fix our constitution.

In the past, the State of Alaska has brought forward similar legislation and ballot initiatives passed in other states that have been struck down by the Alaska Supreme Court. Laws that have gone through their due process but have been overturned at the bench have been subject to a series of decisions asserting the existence of a state constitutional right to abortion that protects abortion “more broadly” than does the U.S. Constitution. As a result, numerous laws regarding abortion that would be completely permissible under the federal constitution and exist in other states have been struck down by the Alaska courts. SJR 4 would allow Alaska to be on par with other states. It would permit the decisions that Alaskans make to stand, for example regarding parents of minors, unborn babies, and public funding for abortion.

Even though the sponsor of this legislation wants our most vulnerable (unborn babies) protected, and at birth these precious children cared for and cherished by loving parents and families; and even though the sponsor of this legislation believes that one day Americans will look back on abortion like we do slavery: a barbaric act that has no place in a civil society; this constitutional amendment will simply allow Alaskans to decide what kind of policy we want in regard to abortion in our state.

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