

April 17, 2021

VIA Email: senate.judiciary@akleg.gov

RE: Senate Joint Resolution 4  
Public Testimony April 17, 2021

Dear Alaska Legislatures,

This is written testimony in support of Senate Joint Resolution (SJR) 4 - "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." We respectfully request that SJR 4 be passed and approved.

It is our belief that each human being is divinely created by God, with life beginning at conception and is, thereby, entitled to the same rights granted by the US Constitution and Bill of Rights, regardless of its age. These rights are not to be infringed upon by any State or person. In fact, the Alaska Constitution recognizes the value of life of the unborn child and even considers certain acts as homicide in several of its Statutes: AS 11.41.150, 160 and 170.

**AS 11.41.150. Murder of an Unborn Child.**

- (a) A person commits the crime of murder of an unborn child if the person
  - (1) with intent to cause the death of an unborn child or of another person, causes the death of an unborn child;
  - (2) with intent to cause serious physical injury to an unborn child or to another person or knowing that the conduct is substantially certain to cause death or serious physical injury to an unborn child or to another person, causes the death of an unborn child;
  - (3) while acting alone or with one or more persons, commits or attempts to commit arson in the first degree, kidnapping, sexual assault in the first degree, sexual assault in the second degree, sexual abuse of a minor in the first degree, sexual abuse of a minor in the second degree, burglary in the first degree, escape in the first or second degree, robbery in any degree, or misconduct involving a controlled substance under AS [11.71.010](#) (a), [11.71.020](#)(a), [11.71.030](#)(a)(1) or (2), or [11.71.040](#)(a)(1) or (2), and, in the course of or in furtherance of that crime or in immediate flight from that crime, any person causes the death of an unborn child;
  - (4) knowingly engages in conduct that results in the death of an unborn child under circumstances manifesting an extreme indifference to the value of human life; for purposes of this paragraph, a pregnant woman's decision to remain in a relationship in which domestic violence, as defined in AS [18.66.990](#) , has occurred does not constitute conduct manifesting an extreme indifference to the value of human life.
- (b) A person may not be convicted under (a)(3) of this section if the only underlying crime is burglary, the sole purpose of the burglary is a criminal homicide, and the unborn child killed is the intended victim of the defendant. However, if the defendant causes the death of another unborn child, the defendant may be convicted under (a)(3) of this section. Nothing in this subsection precludes a prosecution for or conviction of murder in the first degree or murder in the second degree, murder of an unborn child under AS [11.41.150](#)(a)(1), (2), or (4), or any other crime.
- (c) Murder of an unborn child is an unclassified felony.

**AS 11.41.160. Manslaughter of an unborn child.**

- (a) A person commits the crime of manslaughter of an unborn child if, under circumstances not amounting to murder of an unborn child, the person intentionally, knowingly, or recklessly causes the death of an unborn child.
- (b) Manslaughter of an unborn child is a class A felony.

**AS 11.41.170. Criminally negligent homicide of an unborn child.**

- (a) A person commits the crime of criminally negligent homicide of an unborn child if, with criminal negligence, the person causes the death of an unborn child.
- (b) Criminally negligent homicide of an unborn child is a class B felony.

Clearly, pursuant to the Alaska Statutes, an Unborn Child is recognized as human life that should be protected and entitled to the same rights as any other Alaskan and if the Unborn Child's life is intentionally taken that is considered homicide. Although, pursuant to Alaska DHSS indicated that the intentionally taking a life of Unborn Child is dependent upon whether the Unborn Child is wanted or unwanted and based on timeliness (referred to as "mistimed") of the mother's pregnancy. See, State of Alaska DHSS 2019 Induced Termination of Pregnancy Statistics updated March 2020.

To be clear, the State of Alaska should never determine that the life of an Unborn Child be allowed to be murdered based on want or timing (no matter who is intentionally causing the Unborn Child's death) and should never be allowed for the convenience of another. Furthermore, if the State allows such murderous actions then the State itself is liable for homicide. Abortion never should be forced upon the State and/or its taxpayers as a means of convenience to a murderous end to a human life. Therefore, we respectfully request that you support SJR 4 and pass said Resolution for its approval.

Sincerely,

Barry and Heather Orzalli