

Alaska State Legislature

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Serving Wasilla & Meadow Lakes

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Sectional Analysis | HB205 version A 3-12-24

Section 1: Sets out the short title of "Life at Conception Act of 2024."

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 for "conception," "natural person," "preborn child," "abortion," "birth," and "child" that apply throughout Alaska statutes.

Section 5: Adds a new subsection (c) to AS 01.10.060 expressing a determination by the Alaska Legislature that the terms defined in (a)(15) - (20) of this section may not be reinterpreted by the courts.

Section 6: Adds a new section, AS 01.15.010, that clarifies that the taking of innocent human life is, under no circumstances, protected by the right to privacy found in art. I, sec. 22, Constitution of the State of Alaska.

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AS 08.64.364(c) to remove a Physician's ability to prescribe an abortion inducing drug under AS 18.16.010, which is repealed by sec. 33 of this act.

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

Section 9: Replaces the term "unborn child" with "preborn child" in AS 09.55.585(c) and adds a 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 11.41.115, to provide an affirmative defense for a physician who makes good faith efforts to save both the pregnant mother and the child during treatment.

Section 12: Amends AS 11.41.140 to change the term "human being" with "natural person" that is "alive" when referring to the victim of a crime. This section also further defines "alive" when the victim is a child.

Section 13: Removes references to AS 11.41.150-11.41.170 and AS 11.41.280-11.41.282, which are repealed in sec. 33 of this Act.

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

Section 15: Removes “murder of an unborn child” from AS 11.81.250(b).

Section 16: Removes “murder of an unborn child” from AS 12.55.035(b).

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

Section 18: Removes “murder of an unborn child” from AS 12.55.125(b).

Section 19: 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 20: Removes “unborn” from AS 13.16.665.

Section 21: Deletes unnecessary language from the form for a parent or guardian to designate an attorney-in-fact relating to abortions for a minor child.

Section 22: Removes references to abortion in AS 13.26.316(e).

Section 23: Removes references to abortion in AS 13.52.050.

Section 24: Removes references to abortion in AS 18.05.032(a), removes “unborn” from AS 18.05.032(a)(5), replaces “fertilization” with “conception” in AS 18.05.032(a)(5), and replaces “fertilization” with “sperm-egg-fusion”.

Section 25: Removes "unborn" in AS 18.05.032(c)(3).

Section 26: Removes "unborn" in AS 21.07.250(3).

Section 27: Amends AS 25.20.025(a) to remove a reference to AS 18.16.010(a)(3), which is repealed in section 36 of the bill.

Section 28: 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 29: Changes the definition of “child” to be a son or daughter, whether by conception or by adoption.

Section 30: Amends AS 28.35.030(o) to remove references to AS 11.41.280 and AS 11.41.282 which are repealed in sec 36 of the bill.

Section 31: Amends AS 28.35.032(g) to remove references to AS 11.41.280 and AS 11.41.282, which are repealed in sec 36 of the bill.

Section 32: 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, which is repealed in sec. 36 of the bill.

Section 33: Adds new subsections to AS 44.23.020 allowing the Attorney General to defend an Alaska citizen from federal prosecution for violating a federal law or order, requiring the facilitation of an abortion. This section also limits judicial review.

Section 34: 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. This section also limits judicial review.

Section 35: 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.

Section 36: Repeals several statutes pertaining to the applicability of crimes to a pregnant woman or a health care provider and related to abortion procedures and other related matters.

Section 37: 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 of the bill.

Section 38: Provides that, notwithstanding AS 01.10.030, the provisions of this Act are not severable.

Section 39: Provides for an immediate effective date.