

HOUSE BILL NO. 215

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-SECOND LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES EASTMAN, Kurka

Introduced: 5/18/21

Referred: Judiciary, State Affairs

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the definition of privacy in the Constitution of the State of Alaska."**

2 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

3 * **Section 1.** The uncoded law of the State of Alaska is amended by adding a new section
4 to read:

5 SHORT TITLE. This Act may be known as the Alaska Privacy and Abortion Act of
6 2021.

7 * **Sec. 2.** The uncoded law of the State of Alaska is amended by adding a new section to
8 read:

9 LEGISLATIVE FINDINGS. Notwithstanding any other provision of law, the
10 legislature finds that

11 (1) the Constitution of the State of Alaska declares, in art. I, sec. 1, that "all
12 persons are equal and entitled to equal rights, opportunities, and protection under the law";

13 (2) art. II, sec. 1, Constitution of the State of Alaska, provides that "The
14 legislative power of the State is vested in a legislature"; the legislature lacks the authority to
15 delegate any portion of the legislative power to the courts, and, further, the legislature has not

1 done so;

2 (3) art. I, sec. 22, Constitution of the State of Alaska, after recognizing the
3 right of the people to privacy, expressly grants to the legislature the authority to "implement
4 this section";

5 (4) the drafters of the Constitution of the State of Alaska never intended art. I,
6 sec. 22, Constitution of the State of Alaska, or any other section of the Constitution of the
7 State of Alaska, to recognize a right of a person to take the life of an innocent child; and

8 (5) art. IV, sec. 1, Constitution of the State of Alaska, provides that "The
9 jurisdiction of the courts shall be prescribed by law," reserving to lawmakers a further check
10 on any court that should attempt to arrogate power to itself through judicial edict.

11 * **Sec. 3.** AS 01 is amended by adding a new chapter to read:

12 **Chapter 15. Interpretation of Right to Privacy.**

13 **Sec. 01.15.010. Acts not protected under right to privacy.** Notwithstanding
14 any other provision of law, the intentional taking of innocent human life before,
15 during, or after birth is not protected by the right to privacy recognized in art. I, sec.
16 22, Constitution of the State of Alaska. This section is not subject to judicial review.