

Introduced: 2/6/63
Referred: Judiciary

1 IN THE HOUSE

BY MR. WHITEHEAD

2 HOUSE BILL NO. 23

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRD LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the crime of abortion;
7 and providing for an effective date."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 11.15.060 is repealed and re-enacted to read:

10 Sec. 11.15.060. ABORTION. (a) A person who purposely
11 and unjustifiably terminates the pregnancy of another other-
12 wise than by a live birth is guilty of a felony and is
13 punishable by imprisonment in the penitentiary for not more
14 than 20 years.

15 (b) A licensed physician is justified in terminating
16 a pregnancy if he believes there is substantial risk that
17 continuance of the pregnancy would gravely impair the
18 physical or mental health of the mother or that the child
19 would be born with a grave physical or mental defect or
20 that the pregnancy resulted from rape, incest, or other
21 felonious intercourse. Justifiable abortions may be per-
22 formed only in a hospital except where hospital facilities
23 are unavailable.

24 (c) A woman whose pregnancy has continued beyond the
25 twenty-sixth week who purposely terminates her own pregnancy
26 otherwise than by a live birth or who uses instruments,
27 drugs, or violence upon herself for that purpose is guilty
28 of a felony and is punishable by imprisonment in the peni-
29 tentiary for not more than 20 years.

1 (d) Except as provided in (b) of this section, a per-
2 son who induces or knowingly aids a woman to use instruments,
3 drugs, or violence upon herself for the purpose of terminat-
4 ing her pregnancy otherwise than by a live birth is guilty
5 of a felony and is punishable by imprisonment in the peni-
6 tentiary for not more than 20 years.

7 (e) A person who, representing that it is his purpose
8 to perform an abortion, does an act adapted to cause abor-
9 tion in a pregnant woman although the woman is in fact not
10 pregnant, or the actor does not believe she is, is guilty of
11 a felony and is punishable by imprisonment in the penitenti-
12 ary for not more than 20 years.

13 (f) A person who sells, offers to sell, possesses with
14 intent to sell, advertises, or displays for sale anything
15 specially designed to terminate a pregnancy, or held out by
16 the actor as useful for that purpose, is guilty of a mis-
17 demeanor, unless

18 (1) the sale, offer, or display is to a physician
19 or druggist or to an intermediary in a chain of distribution
20 to physicians or druggists; or

21 (2) the sale is made upon prescription or order
22 of a physician; or

23 (3) the possession is with intent to sell as
24 authorized in (f)(1) and (2) of this section; or

25 (4) the advertising is addressed to persons named
26 in (f)(1) of this section and confined to trade or profes-
27 sional channels not likely to reach the general public.

28 * Sec. 2. This Act takes effect on the day after its passage
29 and approval or on the day it becomes law without such approval.