

Introduced: 2/15/82
Referred: Judiciary and
Health, Education & Social
Services

1 IN THE HOUSE

BY MARTIN

2 SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 550

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the nonconsensual destruction of a
7 fetus; and providing for an effective date."

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

9 * Section 1. AS 11.41.100(a)(1) is amended to read:

10 (1) causes the death of any person or a fetus; or

11 * Sec. 2. AS 11.41.110(a) is amended to read:

12 (a) A person commits the crime of murder in the second degree if

13 (1) with intent to cause serious physical injury to another
14 person or knowing that his conduct is substantially certain to cause
15 death or serious physical injury to another person, he causes the death
16 of any person or a fetus;

17 (2) he intentionally performs an act that results in the
18 death of another person or a fetus under circumstances manifesting an
19 extreme indifference to the value of human life; or

20 (3) acting either alone or with one or more persons, he
21 commits or attempts to commit arson in the first degree, kidnapping,
22 sexual assault in the first degree under sec 410(a)(1) or (2) of this
23 chapter, sexual assault in the second degree, burglary in the first
24 degree, escape in the first or second degree, or robbery in any degree
25 and, in the course of or in furtherance of that crime, or in immediate
26 flight from that crime, any person causes the death of a person other
27 than one of the participants or a fetus.

28 * Sec. 3. AS 11.41 is amended by adding a new section to read:

29 Sec. 11.41.112. EXCEPTIONS. (a) The provisions of AS 11.41.-

1 100(a)(1) and 11.41.110(a) do not apply to a person who commits an act
2 which results in the death of a fetus if

3 (1) the act complied with AS 18.16.010;

4 (2) the act was committed by a person licensed as a physician
5 under AS 08.64 in a case where to a medical certainty the result of
6 childbirth would be the death of the mother of the fetus or where her
7 death from childbirth, if not medically certain, would be substantially
8 certain or more likely than not;

9 (3) the act was solicited, aided, abetted, or consented to
10 by the mother of the fetus.

11 (b) The provisions of (a) of this section may not be construed to
12 prohibit the prosecution of a person under any other law.

13 * Sec. 4. This Act takes effect immediately in accordance with AS 01.10.-
14 070(c).