

SB

2000

<TARGET><BILL>SB 200</BILL><SUBJECT>SB
200</SUBJECT><COMM>SJUD28</COMM></TARGET>

Fiscal Note

State of Alaska
2014 Legislative Session

Bill Version: SB 200
Fiscal Note Number: 1
(S) Publish Date: 3/14/14

Identifier: SB200-LAW-CIV-03-07-14
Title: WRONGFUL DEATH OF AN UNBORN CHILD
Sponsor: MCGUIRE
Requester: (S) JUDICIARY

Department: Department of Law
Appropriation: Civil Division
Allocation: Torts & Workers' Compensation
OMB Component Number: 2719

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below.

(Thousands of Dollars)

	FY2015	Included in	Out-Year Cost Estimates				
	Appropriation Requested	Governor's FY2015 Request	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
OPERATING EXPENDITURES	FY 2015	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time							
Part-time							
Temporary							

Change in Revenues							
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Estimated SUPPLEMENTAL (FY2014) cost: 0.0 *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2015) cost: 0.0 *(separate capital appropriation required)*
(discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No
If yes, by what date are the regulations to be adopted, amended or repealed?

Why this fiscal note differs from previous version:

Initial version, not applicable.

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Division: <u>Department of Law</u>	Date: <u>03/07/2014 03:15 PM</u>
Approved By: <u>Michael C. Geraghty, Attorney General</u>	Date: <u>03/07/14</u>
Agency: <u>Department of Law</u>	

FISCAL NOTE ANALYSIS #1

STATE OF ALASKA
2014 LEGISLATIVE SESSION

BILL NO. SB 200

Analysis

The bill establishes a new civil right of action for the death of an unborn child in certain circumstances. The bill allows the parent of an unborn child whose death is caused by the wrongful act or omission of another to sue for damages – such as when a pregnant woman’s child is killed as a result of domestic violence or in a drunk driving accident. The bill does not apply to acts or omissions that cause the death of the unborn child due to a lawful abortion or specified medical practice or are caused by the pregnant woman herself, such as in an attempted suicide.

The Department of Law does not foresee a fiscal impact as a result of the bill passage.

Alaska State Legislature Senate Rules Committee

Session:
State Capitol 103
Juneau, AK 99801
Phone: (907) 465-2995
Fax: (907) 465-6592

Rules Committee:
Senator McGuire, Chair
Senator Coghill
Senator Huggins
Senator Meyer
Senator Ellis



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Committee on Committees
Rules Committee
Resources Committee
Judiciary Committee
Legislative Council
TAPS Troughput Decline
World Trade and Tourism

Senator Lesil McGuire, Chairman

Sponsor Statement

Senate Bill 200

Senate Bill 200, also known as "Jackson's Law" will ensure that parents who lose their unborn children through the unlawful or negligent actions of another person have a path to justice.

Jackson's Law would make Alaskan civil law consistent with the criminal law passed in 2006 in regards to the criminal liability for the death of an unborn child. That law established the unborn can be victims of murder, manslaughter and criminally negligent homicide in a criminal court. This law would mirror that law and establish that a person could also be held liable in civil court.

Alaska is one of only ten states that do not allow the parents of an unborn victim to seek accountability or damages from a guilty party. Expanding Alaska's wrongful death statutes will protect parents and provide a path toward healing.

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Sectional Analysis

SB 200

“An Act establishing a right of action for the death of an unborn child in certain circumstances.”

Section 1. Provides short title: “Jackson’s Law”

Section 2. Authorizes parent(s) to seek action as a plaintiff in the case of death of an unborn child, caused by wrongful act or omission of another.

Section 3. Provides that the section does not apply to specified circumstances.

Section 4. Give the definition for abortion and unborn child.

STATE OF THE STATES: WHERE ARE WE NOW?

WRONGFUL DEATH (CIVIL ACTION)



- Twenty-nine states permit a wrongful death action if the unborn child was viable at the time of his/her death: AL, AZ, AR, CO, CT, DE, HI, ID, KS, KY, MD, MA, MN, MS, MT, NV, NH, NM, NC, ND, OH, OK, OR, PA, RI, SC, VT, WA, and WI.**
- Nine states allow suits for a pre-viable unborn child: GA (limited to quickening), IL, LA, MI, MO, NE, SD, TX, and WV.**
- Twelve states still require live birth (and bar a cause of action for the death of the unborn child unless the child is born alive and dies thereafter): AK, CA, FL, IN, IA, ME, NJ, NY, TN, UT, VA, and WY.**