

1 STATE OF OKLAHOMA

2 2nd Session of the 58th Legislature (2022)

3 COMMITTEE SUBSTITUTE
4 FOR
5 SENATE JOINT
6 RESOLUTION 17

By: Bullard, Bergstrom, and
Dahm of the Senate

7 and

8 Crosswhite Hader of the
9 House

10 COMMITTEE SUBSTITUTE

11 A Joint Resolution directing the Secretary of State
12 to refer to the people for their approval or
13 rejection a proposed amendment to the Oklahoma
14 Constitution by adding a new Section 2A to Article
15 II; equating the rights of unborn persons to those of
16 born persons; providing findings; defining terms;
17 providing certain interpretation and construction;
18 prohibiting performance of abortion; providing
19 exception; providing penalty; prohibiting certain
20 involuntary tracking or monitoring; precluding
21 certain cause of action; providing ballot title; and
22 directing filing.

23 BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE
24 2ND SESSION OF THE 58TH OKLAHOMA LEGISLATURE:

SECTION 1. The Secretary of State shall refer to the people for
their approval or rejection, as and in the manner provided by law,
the following proposed amendment to the Oklahoma Constitution by
adding a new Section 2A to Article II to read as follows:

1 Section 2A. A. It being necessary for the liberty of free
2 persons, the rights of unborn persons shall be equal to the rights
3 of born persons. The State of Oklahoma finds that:

- 4 1. The life of each person begins at conception;
- 5 2. Unborn persons have protectable interests in life, liberty,
6 the pursuit of happiness, and the enjoyment of the gains of their
7 own industry; and
- 8 3. The natural parents of unborn persons have protectable
9 interests in the life, liberty, and the pursuit of happiness of
10 their unborn child.

11 B. As used in this section:

- 12 1. "Abortion" means the use or prescription of any instrument,
13 medicine, drug, or any other substance or device intentionally to
14 terminate the pregnancy of a female known to be pregnant with an
15 intention other than to increase the probability of a live birth, to
16 preserve the life or health of the child after live birth, to remove
17 an ectopic pregnancy, or to remove a dead unborn child who died as
18 the result of a spontaneous miscarriage, accidental trauma, or a
19 criminal assault on the pregnant female or her unborn child; and
- 20 2. "Unborn person" means the unborn offspring of human beings
21 from the moment of conception, through pregnancy and until live
22 birth including the human conceptus, zygote, morula, blastocyst,
23 embryo, and fetus.

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1 C. 1. Consistent with Amendments V and XIV of the United
2 States Constitution including but not limited to the Equal
3 Protection Clause of Amendment XIV of the United States Constitution
4 and the Due Process Clauses of Amendments V and XIV of the United
5 States Constitution, and pursuant to powers reserved to this state
6 by Amendment X of the United States Constitution, the laws of this
7 state shall be interpreted and construed to acknowledge on behalf of
8 the unborn person in utero, all the rights, privileges, and
9 immunities available to other persons, citizens, and residents of
10 this state, in accordance with the Constitution of the United States
11 and the Oklahoma Constitution.

12 2. Nothing in this Constitution secures or protects the right
13 to perform or receive an abortion, nor shall any provision of this
14 Constitution be construed to preclude, invalidate, or in any way
15 limit a statute that prohibits abortion, regulates abortion, or
16 regulates abortion differently from other acts or procedures.

17 D. 1. No person in this state shall perform an abortion of an
18 unborn person in utero except as provided in paragraph 2 of this
19 subsection.

20 2. The prohibition provided by paragraph 1 of this subsection
21 shall not apply to an abortion that is necessary to prevent the
22 death of a pregnant woman. The exception provided by this paragraph
23 shall not include an abortion performed solely on the basis of the
24 mental or emotional health of the pregnant woman.

1 E. Any person found guilty of performing an abortion in
2 violation of subsection D of this section shall, upon conviction, be
3 guilty of manslaughter in the first degree.

4 F. This section shall only apply to abortions performed in this
5 state. Nothing in this section shall be construed to affect an
6 abortion performed out-of-state. No woman shall be involuntarily
7 tracked or monitored due to pregnancy or perceived pregnancy.

8 G. Nothing in this section shall be interpreted as creating a
9 cause of action against a woman for indirectly harming her unborn
10 child by failing to properly care for herself or by failing to
11 follow any particular program of prenatal care.

12 SECTION 2. The Ballot Title for the proposed Constitutional
13 amendment as set forth in SECTION 1 of this resolution shall be in
14 the following form:

15 BALLOT TITLE

16 Legislative Referendum No. _____ State Question No. _____

17 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

18 This measure would add a new section to the Oklahoma
19 Constitution. It would add Section 2A to Article 2. It states
20 that the rights of unborn persons are equal to those of born
21 persons and directs that the laws of this state be read as such.
22 This measure declares that life begins at conception and defines
23 an unborn person as the offspring of human beings from the
24 moment of conception. It also defines abortion as the use or

1 prescription of any substance or device intentionally to end the
2 pregnancy of a female known to be pregnant except to increase
3 the chance of live birth, to save the life or health of the
4 child after live birth, to remove an ectopic pregnancy, or to
5 remove a dead unborn child who died as the result of a natural
6 miscarriage, accidental trauma, or a criminal assault on the
7 pregnant female or her unborn child. This measure declares that
8 unborn persons and their parents have certain protectable
9 interests. It states that nothing in the Oklahoma Constitution
10 secures or protects the right to perform or receive an abortion,
11 and that nothing in the Oklahoma Constitution prevents, undoes,
12 or limits any state law that prohibits or regulates abortion.
13 This measure prohibits the performance of abortion, except an
14 abortion necessary to prevent the death of a pregnant woman. It
15 classifies a violation of this prohibition as first degree
16 manslaughter. This measure prohibits the involuntary tracking
17 or monitoring of a woman due to pregnancy or perceived
18 pregnancy. It states that it does not create a cause of action
19 against a pregnant woman.

20 SHALL THE PROPOSAL BE APPROVED?

21 FOR THE PROPOSAL - YES _____

22 AGAINST THE PROPOSAL - NO _____

23 SECTION 3. The President Pro Tempore of the Senate shall,
24 immediately after the passage of this resolution, prepare and file

1 one copy thereof, including the Ballot Title set forth in SECTION 2
2 hereof, with the Secretary of State and one copy with the Attorney
3 General.

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