

1 ENGROSSED SENATE
JOINT
2 RESOLUTION NO. 17

By: Bullard, Bergstrom, Dahm,
Allen, Merrick, and Jett of
the Senate

and

Crosswhite Hader of the
House

[proposed amendment to the Oklahoma Constitution -
rights of unborn persons - ballot title - filing]

BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE
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:

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

1. The life of each person begins at conception;

2. Unborn persons have protectable interests in life, liberty,
the pursuit of happiness, and the enjoyment of the gains of their
own industry; and

1 3. The natural parents of unborn persons have protectable
2 interests in the life, liberty, and the pursuit of happiness of
3 their unborn child.

4 B. As used in this section:

5 1. "Abortion" means the use or prescription of any instrument,
6 medicine, drug, or any other substance or device intentionally to
7 terminate the pregnancy of a female known to be pregnant with an
8 intention other than to increase the probability of a live birth, to
9 preserve the life or health of the child after live birth, to remove
10 an ectopic pregnancy, or to remove a dead unborn child who died as
11 the result of a spontaneous miscarriage, accidental trauma, or a
12 criminal assault on the pregnant female or her unborn child; and

13 2. "Unborn person" means the unborn offspring of human beings
14 from the moment of conception, through pregnancy and until live
15 birth including the human conceptus, zygote, morula, blastocyst,
16 embryo, and fetus.

17 C. 1. Consistent with Amendments V and XIV of the United
18 States Constitution including but not limited to the Equal
19 Protection Clause of Amendment XIV of the United States Constitution
20 and the Due Process Clauses of Amendments V and XIV of the United
21 States Constitution, and pursuant to powers reserved to this state
22 by Amendment X of the United States Constitution, the laws of this
23 state shall be interpreted and construed to acknowledge on behalf of
24 the unborn person in utero, all the rights, privileges, and

1 immunities available to other persons, citizens, and residents of
2 this state, in accordance with the Constitution of the United States
3 and the Oklahoma Constitution.

4 2. Nothing in this Constitution secures or protects the right
5 to perform or receive an abortion, nor shall any provision of this
6 Constitution be construed to preclude, invalidate, or in any way
7 limit a statute that prohibits abortion, regulates abortion, or
8 regulates abortion differently from other acts or procedures.

9 D. 1. No person in this state shall perform an abortion of an
10 unborn person in utero except as provided in paragraph 2 of this
11 subsection.

12 2. The prohibition provided by paragraph 1 of this subsection
13 shall not apply to an abortion that is necessary to prevent the
14 death of a pregnant woman. The exception provided by this paragraph
15 shall not include an abortion performed solely on the basis of the
16 mental or emotional health of the pregnant woman.

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

20 F. This section shall only apply to abortions performed in this
21 state. Nothing in this section shall be construed to affect an
22 abortion performed out-of-state. No woman shall be involuntarily
23 tracked or monitored due to pregnancy or perceived pregnancy.

24

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

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

8 BALLOT TITLE

9 Legislative Referendum No. _____ State Question No. _____

10 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

11 This measure would add a new section to the Oklahoma
12 Constitution. It would add Section 2A to Article 2. It states
13 that the rights of unborn persons are equal to those of born
14 persons and directs that the laws of this state be read as such.
15 This measure declares that life begins at conception and defines
16 an unborn person as the offspring of human beings from the
17 moment of conception. It also defines abortion as the use or
18 prescription of any substance or device intentionally to end the
19 pregnancy of a female known to be pregnant except to increase
20 the chance of live birth, to save the life or health of the
21 child after live birth, to remove an ectopic pregnancy, or to
22 remove a dead unborn child who died as the result of a natural
23 miscarriage, accidental trauma, or a criminal assault on the
24 pregnant female or her unborn child. This measure declares that

1 unborn persons and their parents have certain protectable
2 interests. It states that nothing in the Oklahoma Constitution
3 secures or protects the right to perform or receive an abortion,
4 and that nothing in the Oklahoma Constitution prevents, undoes,
5 or limits any state law that prohibits or regulates abortion.
6 This measure prohibits the performance of abortion, except an
7 abortion necessary to prevent the death of a pregnant woman. It
8 classifies a violation of this prohibition as first degree
9 manslaughter. This measure prohibits the involuntary tracking
10 or monitoring of a woman due to pregnancy or perceived
11 pregnancy. It states that it does not create a cause of action
12 against a pregnant woman.

13 SHALL THE PROPOSAL BE APPROVED?

14 FOR THE PROPOSAL - YES _____

15 AGAINST THE PROPOSAL - NO _____

16 SECTION 3. The President Pro Tempore of the Senate shall,
17 immediately after the passage of this resolution, prepare and file
18 one copy thereof, including the Ballot Title set forth in SECTION 2
19 hereof, with the Secretary of State and one copy with the Attorney
20 General.

