

HOUSE BILL NO. 213

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-THIRD LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE EASTMAN

Introduced: 5/17/23

Referred: Health and Social Services, State Affairs, Judiciary

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to informed consent of individuals under 18 years of age; relating to**
2 **claims based on the sterilization of a minor; establishing the crime of sterilization of a**
3 **minor; and relating to the statute of limitations."**

4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 * **Section 1.** AS 09.55.556 is amended by adding a new subsection to read:

6 (c) An individual under 18 years of age may not consent to a treatment or
7 procedure that is intended to result in the permanent loss of the individual's ability to
8 procreate.

9 * **Sec. 2.** AS 09.55 is amended by adding a new section article 9 to read:

10 **Sec. 09.55.660. Claims based on sterilization of a minor.** (a) An individual
11 who was sterilized while a minor may bring an action against a person who sterilized
12 or aided the sterilization of the minor. An individual may bring an action under this
13 section even if the individual or the individual's parent or guardian consented to the
14 sterilization.

1 (b) If an individual who was sterilized as a minor is incompetent by reason of
 2 mental illness or mental disability, the individual's parent or legal guardian may file an
 3 action under this section on behalf of the individual.

4 (c) In this section, "sterilization" and "sterilized" mean a treatment or
 5 procedure that results in the permanent loss of a person's ability to procreate.

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

7 **Sec. 11.41.240. Sterilization of a minor.** (a) A person commits the crime of
 8 sterilization of a minor if the person knowingly sterilizes or aids the sterilization of a
 9 minor.

10 (b) In a prosecution under this section, it is an affirmative defense that

11 (1) the defendant sterilized or aided the sterilization of the minor in
 12 order to preserve the life or prevent serious impairment of the physical health of the
 13 minor; or

14 (2) the minor was infertile, or did not have the capacity to become
 15 fertile, before the defendant sterilized or aided the sterilization of the minor.

16 (c) An affirmative defense under (b)(1) of this section does not apply to a
 17 person who sterilizes or aids the sterilization of a minor based on concerns that the
 18 minor is a danger to self.

19 (d) In a prosecution under (a) of this section, it is not a defense that

20 (1) the sterilization or aiding of the sterilization of the minor was
 21 carried out with the consent of the minor or the parent or guardian of the minor;

22 (2) an experimental procedure is available that could reverse the
 23 sterilization and the minor has not had the experimental procedure; or

24 (3) a new medical procedure is available that is able to reverse the
 25 sterilization.

26 (e) In this section, "sterilization" and "sterilized" mean a treatment or
 27 procedure that results in the permanent loss of a person's ability to procreate.

28 (f) Sterilization of a minor is a class A felony.

29 * **Sec. 4.** AS 12.10.010(a) is amended to read:

30 (a) Prosecution for the following offenses may be commenced at any time:

31 (1) murder;

1 (2) attempt, solicitation, or conspiracy to commit murder or hindering
2 the prosecution of murder;

3 (3) felony sexual abuse of a minor;

4 (4) sexual assault that is an unclassified, class A, or class B felony or a
5 violation of AS 11.41.425(a)(2) - (4);

6 (5) a violation of AS 11.41.425, 11.41.427, 11.41.450 - 11.41.458,
7 AS 11.66.110 - 11.66.130, or former AS 11.41.430, when committed against a person
8 who, at the time of the offense, was under 18 years of age;

9 (6) kidnapping;

10 (7) distribution of child pornography in violation of AS 11.61.125;

11 (8) sex trafficking in violation of AS 11.66.110 - 11.66.130 that is an
12 unclassified, class A, or class B felony or that is committed against a person who, at
13 the time of the offense, was under 20 years of age;

14 (9) human trafficking in violation of AS 11.41.360 or 11.41.365;

15 **(10) sterilization of a minor in violation of AS 11.41.240.**