

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 HOUSE JOINT
4 RESOLUTION 1027

By: Crosswhite Hader and Gann

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6 AS INTRODUCED

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

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22 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE
23 1ST SESSION OF THE 58TH OKLAHOMA LEGISLATURE:

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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 Constitution of the State of
Oklahoma by adding a new Section 2A to Article II thereof, 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, "unborn person" means the unborn
12 offspring of human beings from the moment of conception, through
13 pregnancy, and until live birth, including the human conceptus,
14 zygote, morula, blastocyst, embryo, and fetus.

15 C. 1. Consistent with Amendments V and XIV of the United
16 States Constitution and pursuant to powers reserved to this state by
17 Amendment X of the United States Constitution, the laws of this
18 state shall be interpreted and construed to acknowledge on behalf of
19 the unborn person in utero all the rights, privileges, and
20 immunities available to other persons, citizens, and residents of
21 this state, subject only to the Constitution of the United States.

22 2. Nothing in this Constitution secures or protects the right
23 to perform or receive an abortion, nor shall any provision of this
24 Constitution be construed to preclude, invalidate, or in any way

1 limit a statute that prohibits abortion, regulates abortion, or
2 regulates abortion differently from other acts or procedures.

3 D. 1. No person in this state shall perform an abortion of an
4 unborn person in utero except as provided in paragraph 2 of this
5 subsection.

6 2. The prohibition provided by paragraph 1 of this subsection
7 shall not apply to an abortion that is necessary to prevent the
8 death of a pregnant woman, or to prevent substantial or irreversible
9 physical impairment of the pregnant woman that substantially
10 increases the risk of death. The prohibition provided by paragraph
11 1 of this subsection shall apply to an abortion performed solely on
12 the basis of the mental or emotional health of the pregnant woman.

13 E. Any person found guilty of performing an abortion in
14 violation of subsection D of this section shall be guilty of a
15 felony punishable by imprisonment for not less than one (1) year nor
16 more than three (3) years in the custody of the Department of
17 Corrections.

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

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

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

6 BALLOT TITLE

7 Legislative Referendum No. _____ State Question No. _____

8 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

9 This measure would add a new section to the Oklahoma
10 Constitution. It would add Section 2A to Article 2. It
11 provides that the rights of unborn persons are equal to those of
12 born persons and directs that the laws of this state be
13 interpreted and construed as such. This measure declares that
14 life begins at conception and defines an unborn person as the
15 offspring of human beings from the moment of conception. It
16 declares that unborn persons and their parents have certain
17 protectable interests. This measure states that nothing in the
18 Oklahoma Constitution secures or protects the right to perform
19 or receive an abortion, and that nothing in the Oklahoma
20 Constitution precludes, invalidates or limits any state law that
21 prohibits or regulates abortion. This measure prohibits the
22 performance of abortion, except an abortion necessary to prevent
23 the death of a pregnant woman, or to prevent substantial or
24 irreversible physical impairment of the pregnant woman that

1 substantially increases the risk of death. It classifies a
2 violation of this prohibition as a felony and provides a penalty
3 of one (1) to three (3) years in the custody of the Department
4 of Corrections for such violation. This measure prohibits the
5 involuntary tracking or monitoring of a woman due to pregnancy
6 or perceived pregnancy. It states that it does not create a
7 cause of action against a pregnant woman.

8 SHALL THE PROPOSAL BE APPROVED?

9 FOR THE PROPOSAL - YES _____

10 AGAINST THE PROPOSAL - NO _____

11 SECTION 3. The Chief Clerk of the House of Representatives,
12 immediately after the passage of this resolution, shall prepare and
13 file one copy thereof, including the Ballot Title set forth in
14 SECTION 2 hereof, with the Secretary of State and one copy with the
15 Attorney General.

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17 58-1-6132 AB 12/23/20
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