

1 STATE OF OKLAHOMA

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

3 SENATE JOINT
4 RESOLUTION 17

By: Bullard

5
6 AS INTRODUCED

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

19 BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE
20 1ST SESSION OF THE 58TH OKLAHOMA LEGISLATURE:

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

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

28 1. The life of each person begins at conception;

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

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

7 B. As used in this section, "unborn person" means the unborn
8 offspring of human beings from the moment of conception, through
9 pregnancy and until live birth including the human conceptus,
10 zygote, morula, blastocyst, embryo and fetus;

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

18 2. Nothing in this Constitution secures or protects the right
19 to perform or receive an abortion, nor shall any provision of this
20 Constitution be construed to preclude, invalidate or in any way
21 limit, a statute that prohibits abortion, regulates abortion or
22 regulates abortion differently from other acts or procedures.

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

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

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

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

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

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

4 BALLOT TITLE

5 Legislative Referendum No. _____ State Question No. _____

6 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

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

1 of one (1) to three (3) years in the custody of the Department
2 of Corrections for such violation. This measure prohibits the
3 involuntary tracking or monitoring of a woman due to pregnancy
4 or perceived pregnancy. It states that it does not create a
5 cause of action against a pregnant woman.

6 SHALL THE PROPOSAL BE APPROVED?

7 FOR THE PROPOSAL - YES _____

8 AGAINST THE PROPOSAL - NO _____

9 SECTION 3. The President Pro Tempore of the Senate shall,
10 immediately after the passage of this resolution, prepare and file
11 one copy thereof, including the Ballot Title set forth in SECTION 2
12 hereof, with the Secretary of State and one copy with the Attorney
13 General.

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