

1 **SENATE FLOOR VERSION**

2 March 2, 2022

3 COMMITTEE SUBSTITUTE  
4 FOR  
5 SENATE JOINT  
6 RESOLUTION NO. 17

By: Bullard, Bergstrom, and  
Dahm of the Senate

7 and

8 Crosswhite Hader of the  
9 House

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

13 BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE  
14 2ND SESSION OF THE 58TH OKLAHOMA LEGISLATURE:

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

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

22 1. The life of each person begins at conception;  
23  
24

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

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

7           B. As used in this section:

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

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

20           C. 1. Consistent with Amendments V and XIV of the United  
21 States Constitution including but not limited to the Equal  
22 Protection Clause of Amendment XIV of the United States Constitution  
23 and the Due Process Clauses of Amendments V and XIV of the United  
24 States Constitution, and pursuant to powers reserved to this state

1 by Amendment X of the United States Constitution, the laws of this  
2 state shall be interpreted and construed to acknowledge on behalf of  
3 the unborn person in utero, all the rights, privileges, and  
4 immunities available to other persons, citizens, and residents of  
5 this state, in accordance with the Constitution of the United States  
6 and the Oklahoma Constitution.

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

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

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

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

23 F. This section shall only apply to abortions performed in this  
24 state. Nothing in this section shall be construed to affect an

1 abortion performed out-of-state. No woman shall be involuntarily  
2 tracked or monitored due to pregnancy or perceived pregnancy.

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

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

10 BALLOT TITLE

11 Legislative Referendum No. \_\_\_\_\_ State Question No. \_\_\_\_\_

12 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

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

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

15 SHALL THE PROPOSAL BE APPROVED?

16 FOR THE PROPOSAL - YES \_\_\_\_\_

17 AGAINST THE PROPOSAL - NO \_\_\_\_\_

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

23 COMMITTEE REPORT BY: COMMITTEE ON RULES  
24 March 2, 2022 - DO PASS AS AMENDED