



LEGISLATURE OF THE STATE OF IDAHO



Sixty-fifth Legislature

First Regular Session - 2019

IN THE _____

BILL NO. _____

BY _____

AN ACT

RELATING TO ABORTION; PROVIDING LEGISLATIVE INTENT; REPEALING SECTION 18-4016, IDAHO CODE, RELATING TO THE DEFINITION OF A HUMAN EMBRYO AND FETUS AND PROHIBITING THE PROSECUTION OF CERTAIN PERSONS; AMENDING CHAPTER 40, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-4016, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO PROVIDE THAT THE ATTORNEY GENERAL SHALL PERFORM CERTAIN TASKS, TO PROVIDE THAT CERTAIN ACTIONS SHALL NOT BE CONSIDERED ABORTION, AND TO PROVIDE THAT CERTAIN CONDUCT AND OFFENSES SHALL NOT BE RETROACTIVE.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. LEGISLATIVE INTENT. It is the intent of the Legislature to protect Idaho law enforcement officers, prosecutors, the Idaho Legislature, the executive branch, and Idaho's judicial branch from being directed, through federal executive orders, agency orders, statutes, laws, rules, regulations, or court opinions enacted or promulgated on or after the effective date of this act, to violate their oath of office and Idaho citizens' rights under Section 1, Article I, of the Constitution of the State of Idaho by allowing abortions. This Idaho constitutional provision recognizes the inalienable rights of man, notably that all men have the right to enjoy and defend life and to secure safety. Idaho Code defines a fetus as a human and says killing a human is murder, abortion is in contradiction to the inalienable rights recognized in the Idaho Constitution, and the State of Idaho has the authority to nullify federal laws that would allow abortions.

SECTION 2. That Section 18-4016, Idaho Code, be, and the same is hereby repealed.

SECTION 3. That Chapter 40, Title 18, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 18-4016, Idaho Code, and to read as follows:

18-4016. IDAHO ABORTION HUMAN RIGHTS ACT -- ABORTION PROHIBITION ENFORCEMENT. (1) This act shall be known and may be cited as the "Idaho Abortion Human Rights Act."

(2) Notwithstanding any other provision of law, the attorney general shall monitor this state's enforcement of this chapter in relation to abortion. The attorney general shall direct state agencies, and all political subdivisions of this state, to enforce those laws regardless of any contrary or conflicting federal statutes, regulations, executive orders, or court decisions.

(3) For purposes of this section, abortion shall not include the unintentional death of any human embryo or fetus.

(4) The changes in law made by this act apply only to conduct that occurs on or after the effective date of this act. Conduct that occurs before the

1 effective date of this act is governed by the law in effect immediately be-
2 fore the effective date of this act, and that law is continued in effect for
3 that purpose.

4 (5) The changes in law made by this act apply only to an offense commit-
5 ted on or after the effective date of this act. An offense committed before
6 the effective date of this act is governed by the law in effect when the of-
7 fense was committed, and the former law is continued in effect for that pur-
8 pose. For purposes of this subsection, an offense is committed before the
9 effective date of this act if any element of the offense occurs before the ef-
10 fective date.