

CS FOR HOUSE BILL NO. 258(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-EIGHTH LEGISLATURE - SECOND SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered: 3/12/14

Referred: Rules

Sponsor(s): REPRESENTATIVES LEDOUX AND HUGHES, Lynn, Peggy Wilson, Isaacson, Gattis, Reinbold, Keller

A BILL

FOR AN ACT ENTITLED

1 "An Act establishing a right of action for the death of an unborn child in certain
2 circumstances."

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

4 * **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section
5 to read:

6 SHORT TITLE. This Act may be known as Jackson's Law.

7 * **Sec. 2.** AS 09.15 is amended by adding a new section to read:

8 **Sec. 09.15.018. Action for wrongful death of an unborn child;**
9 **applicability.** (a) A parent of an unborn child may maintain an action as plaintiff for
10 the death of an unborn child that was caused by the wrongful act or omission of
11 another.

12 (b) This section does not apply to acts or omissions that

13 (1) cause the death of an unborn child if those acts or omissions are
14 committed during a legal abortion to which the pregnant woman or a person

1 authorized by law to act on her behalf consents or for which consent is implied by law;

2 (2) are committed under usual and customary standards of medical
3 practice during diagnostic testing, during therapeutic treatment, or while assisting a
4 pregnancy; or

5 (3) are committed by a pregnant woman against herself and her unborn
6 child.

7 (c) In this section,

8 (1) "abortion" has the meaning given in AS 18.16.090;

9 (2) "unborn child" has the meaning given in AS 11.81.900.

10 * **Sec. 3.** The uncodified law of the State of Alaska is amended by adding a new section to
11 read:

12 **TRANSITION.** This Act shall apply to actions arising from a wrongful act or
13 omission that takes place on or after the effective date of this Act.