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LEGISLATURE OF THE STATE OF IDAHO
Sixty-fifth Legislature First Regular Session - 2019

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AN ACT

1 RELATING TO ABORTION; PROVIDING LEGISLATIVE INTENT; REPEALING SECTION
2 18-4016, IDAHO CODE, RELATING TO THE DEFINITION OF A HUMAN EMBRYO AND
3 FETUS AND PROHIBITING THE PROSECUTION OF CERTAIN PERSONS; AMENDING
4 CHAPTER 40, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION
5 18-4016, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO PROVIDE THAT THE AT-
6 TORNEY GENERAL SHALL PERFORM CERTAIN TASKS, TO PROVIDE THAT CERTAIN
7 FEDERAL ACTIONS SHALL BE VOID, TO PROVIDE THAT THE STATE OF IDAHO MAY
8 NOT ENTER AN APPEARANCE IN CERTAIN FEDERAL LAWSUITS, AND TO PROVIDE THAT
9 CERTAIN CONDUCT AND OFFENSES SHALL NOT BE RETROACTIVE.
10

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

12 SECTION 1. LEGISLATIVE INTENT. It is the intent of the Legislature to
13 protect Idaho law enforcement officers, prosecutors, the Idaho Legisla-
14 ture, the Executive Branch, and Idaho's Judicial Branch from being directed,
15 through federal executive orders, agency orders, statutes, laws, rules,
16 regulations, or court opinions enacted or promulgated on or after the effec-
17 tive date of this act, to violate their oath of office and Idaho citizens'
18 rights under Section 1, Article I, of the Constitution of the State of Idaho
19 by allowing abortions. This Idaho constitutional provision recognizes the
20 inalienable rights of man, notably that all men have the right to enjoy and
21 defend life and to secure safety. Idaho Code defines a fetus as a human and
22 says killing a human is murder, abortion is in contradiction to the inalien-
23 able rights recognized in the Idaho Constitution, and the State of Idaho has
24 the authority to nullify federal laws that would allow abortions.

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26 repealed.

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

30 18-4016. IDAHO ABORTION HUMAN RIGHTS ACT -- ABORTION PROHIBITION EN-
31 FORCEMENT. (1) This act shall be known and may be cited as the "Idaho Abortion
32 Human Rights Act."

33 (2) Notwithstanding any other provision of law, the attorney general
34 shall monitor this state's enforcement of Chapter 40, Title 18, Idaho Code,
35 in relation to abortion. The attorney general shall direct state agencies
36 to enforce those laws regardless of any contrary or conflicting federal
37 statutes, regulations, executive orders, or court decisions.

38 (3) Any federal statute, regulation, executive order, or court deci-
39 sion which purports to supersede, stay, or overrule this act is in violation
40 of the constitution of the state of Idaho and the constitution of the United
41 States and is therefore void. The state of Idaho and its political subdi-

1 visions, and agents thereof, may not enter an appearance, special or other-
2 wise, in any federal suit challenging this act.

3 (4) The changes in law made by this act apply only to conduct that occurs
4 on or after the effective date of this act. Conduct that occurs before the
5 effective date of this act is governed by the law in effect immediately be-
6 fore the effective date of this act, and that law is continued in effect for
7 that purpose.

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