AN ACT

AMENDING TITLE 1, CHAPTER 2, ARTICLE 4, ARIZONA REVISED STATUTES, BY ADDING SECTION 1-272; RELATING TO ABORTION.

(TEXT OF BILL BEGINS ON NEXT PAGE)
Be it enacted by the Legislature of the State of Arizona:

Section 1. Title 1, Chapter 2, Article 4, Arizona Revised Statutes, is amended by adding section 1-272, to read:

1-272. Abortion; use of state personnel and resources; violation; classification; definition

A. Pursuant to the sovereign authority of this state and Article II, Section 3, Constitution of Arizona, this state and all political subdivisions of this state are prohibited from using any personnel or financial resources to enforce, administer or cooperate with Roe v. Wade to prevent this state or its political subdivisions from protecting the lives of people who have not yet been born.

B. A government agency or official of this state or any political subdivision of this state, including any sheriff, deputy sheriff or other law enforcement officer, may not give force or effect to any court order that conflicts with this section. Notwithstanding any cooperative agreement with federal agencies, a law enforcement agency or law enforcement officer in this state may not assist or cooperate in any way with the arrest or imprisonment of any government official or individual who complies with this section and refuses to comply with any contrary court order, including any order to levy on property, seize bank accounts, arrest the person, serve process for the purpose of causing any person to violate this section or punish any person for failing to comply with an order contrary to this section. A federal officer or agent who arrests any government official of this state for compliance with this section is subject to arrest by this state's law enforcement.

C. This state and all political subdivisions of this state shall enforce prohibitions against abortion without regard to Roe v. Wade.

D. On a request of an employee or former employee of this state or a political subdivision of this state, the attorney general shall defend any action brought against that employee or former employee on account of an act or omission in the scope of employment relating to this section.

E. A violation of subsection A or B of this section is a class 1 misdemeanor.

F. A person who violates this section while acting in the person's official capacity is subject to termination from employment to the extent allowable under state law and, if the person is a public servant at the time of conviction, shall forfeit the person's office.

G. Any aggrieved party may bring a private cause of action against a person who violates or attempts to violate this section.

H. For the purposes of this section, "Roe v. Wade" means the opinions and judgments of the Supreme Court of the United States in Roe v. Wade, 410 U.S. 113 (1973), and its judicial progeny, past and future, including Planned Parenthood v. Casey, 505 U.S. 833 (1992) and June Medical Services, LLC v. Russo, 140 S.Ct. 2103 (2020).
Sec. 2. **Appearance not required**

This state and its political subdivisions, and agents thereof, are not required to enter an appearance, special or otherwise, in any federal suit challenging this act.

Sec. 3. **Purpose and intent**

A. The purpose of this act is to exercise the sovereign authority of this state, consistent with the Constitution of the United States, to declare and treat as void the opinions and judgments of the Supreme Court of the United States in *Roe v. Wade*, 410 U.S. 113 (1973), and its judicial progeny that claim to prohibit states from providing the equal protection of the laws to people who have not yet been born.

B. The legislature intends to act pursuant to the following provisions, among others, of the Constitution of Arizona:

1. "We, the people of the State of Arizona, grateful to Almighty God for our liberties, do ordain this Constitution." Preamble, Constitution of Arizona.

2. "A frequent recurrence to fundamental principles is essential to the security of individual rights and the perpetuity of free government." Article II, section 1, Constitution of Arizona.

3. "ALL POLITICAL POWER IS INHERENT IN THE PEOPLE, AND GOVERNMENTS DERIVE THEIR JUST POWERS FROM THE CONSENT OF THE GOVERNED AND ARE ESTABLISHED TO PROTECT AND MAINTAIN INDIVIDUAL RIGHTS." ARTICLE II, SECTION 2, CONSTITUTION OF ARIZONA.

4. "A. The Constitution of the United States is the supreme law of the land to which all government, state and federal, is subject.

   B. To protect the people's freedom and to preserve the checks and balances of the United States Constitution, this state may exercise its sovereign authority to restrict the actions of its personnel and the use of its financial resources to purposes that are consistent with the constitution by doing any of the following:

   1. Passing an initiative or referendum pursuant to article IV, part 1, section 1.

   2. Passing a bill pursuant to article IV, part 2 and article V, section 7.

   3. Pursuing any other available legal remedy.

   C. If the people or their representatives exercise their authority pursuant to this section, this state and all political subdivisions of this state are prohibited from using any personnel or financial resources to enforce, administer or cooperate with the designated federal action or program." Article II, section 3, Constitution of Arizona.

5. That "No person shall be deprived of life, liberty, or property without due process of law." Article II, section 4, Constitution of Arizona.
Sec. 4. Legislative Findings

THE LEGISLATURE FINDS THE FOLLOWING:


2. THE MEMBERS OF THIS LEGISLATURE HAVE SOLEMNLY SWORN TO SUPPORT THE CONSTITUTION OF THE UNITED STATES AND THE CONSTITUTION AND LAWS OF THE STATE OF ARIZONA, TO BEAR TRUE FAITH AND ALLEGIANCE TO THE SAME AND DEFEND THEM AGAINST ALL ENEMIES, FOREIGN AND DOMESTIC, AND TO FAITHFULLY AND IMPARTIALLY DISCHARGE THE DUTIES OF OUR OFFICES, ACCORDING TO THE BEST OF OUR ABILITIES, SO HELP US GOD.

3. "[T]HE UNITED STATES CONSTITUTION, AND THE LAWS OF THE UNITED STATES WHICH SHALL BE MADE IN PURSUANCE THEREOF... SHALL BE THE SUPREME LAW OF THE LAND." ARTICLE VI, CLAUSE 2, UNITED STATES CONSTITUTION.

4. "[T]HE POWERS NOT DELEGATED TO THE UNITED STATES BY THE CONSTITUTION, NOR PROHIBITED BY IT TO THE STATES, ARE RESERVED TO THE STATES RESPECTIVELY, OR TO THE PEOPLE." AMENDMENT X, UNITED STATES CONSTITUTION.

5. THOUGH PRUDENCE DICTATES THAT STATES SHOULD NOT DECLARE ACTIONS OF THE FEDERAL JUDICIARY VOID FOR LIGHT OR INDEFINITE CAUSES, THE FEDERAL JUDICIARY IS NOT INFALLIBLE NOR ARE ITS POWERS UNLIMITED.

6. NOTHING IN THE CONSTITUTION OF THE UNITED STATES PROVIDES FOR A RIGHT TO ABORTION OF PREBORN HUMAN BEINGS.

7. THE POWER TO AUTHORIZE THE GENOCIDE OF MORE THAN SIXTY-TWO MILLION PREBORN HUMAN BEINGS OVER THE LAST FORTY-EIGHT YEARS AND COUNTING IS NOT WITHIN THE LEGITIMATE POWERS OF THE FEDERAL JUDICIARY.

8. ACTIONS OF THE FEDERAL JUDICIARY PURPORTING TO PROVIDE A RIGHT TO ABORTION ARE NOT MADE IN PURSUANCE OF THE CONSTITUTION OF THE UNITED STATES, ARE CONSEQUENTLY NOT THE SUPREME LAW OF THE LAND, AND ARE THEREFORE NOT BINDING ON THIS STATE.

Sec. 5. Short Title

This act may be cited as the "Roe v. Wade is Unconstitutional Act".

Sec. 6. Emergency

This act is an emergency measure that is necessary to preserve the public peace, health or safety and is operative immediately as provided by law.