

**SENATE CONCURRENT
RESOLUTION No. 20**

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Senator STEVEN V. OROHO

District 24 (Morris, Sussex and Warren)

Co-Sponsored by:

Senators Doherty, Cardinale and Pennacchio

SYNOPSIS

Proposes amendment to constitution regarding parental notification for medical or surgical procedures or treatments relating to pregnancy to be performed on minor children.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



SCR20 OROHO

2

1 **A CONCURRENT RESOLUTION** proposing to amend Article I of the
2 Constitution of the State of New Jersey by adding a new
3 paragraph 23 thereto.

4
5 **BE IT RESOLVED** *by the Senate of the State of New Jersey (the*
6 *General Assembly concurring):*

7
8 1. The following proposed amendment to the Constitution of
9 the State of New Jersey is hereby agreed to:

10
11 PROPOSED AMENDMENT

12
13 Amend Article I by adding a new paragraph 23, as follows:

14 23. The Legislature may provide that a parent or legal guardian
15 shall receive notice before his or her unemancipated minor or
16 incompetent child undergoes any medical or surgical procedure or
17 treatment relating to pregnancy, irrespective of any right or interest
18 otherwise provided in this Constitution.

19
20 2. When this proposed amendment to the Constitution is finally
21 agreed to pursuant to Article IX, paragraph 1 of the Constitution, it
22 shall be submitted to the people at the next general election
23 occurring more than three months after the final agreement and
24 shall be published at least once in at least one newspaper of each
25 county designated by the President of the Senate, the Speaker of the
26 General Assembly and the Secretary of State, not less than three
27 months prior to the general election.

28
29 3. This proposed amendment to the Constitution shall be
30 submitted to the people at that election in the following manner and
31 form:

32 There shall be printed on each official ballot to be used at the
33 general election, the following:

34 a. In every municipality in which voting machines are not used,
35 a legend which shall immediately precede the question, as follows:

36 If you favor the proposition printed below make a cross (X), plus
37 (+), or check (T) in the square opposite the word "Yes." If you are
38 opposed thereto make a cross (X), plus (+) or check (T) in the
39 square opposite the word "No."

40 b. In every municipality the following question:

	YES	<p>PARENTAL NOTIFICATION FOR MEDICAL OR SURGICAL PROCEDURE OR TREATMENT RELATING TO PREGNANCY</p> <p>Shall the amendment to Article I of the New Jersey Constitution, stating that the Legislature may provide that a parent or legal guardian shall receive notice before his or her unemancipated minor or incompetent child undergoes any medical or surgical procedure or treatment relating to pregnancy, irrespective of any right or interest otherwise provided in the Constitution, be approved?</p>
	NO	<p>INTERPRETIVE STATEMENT</p> <p>This constitutional amendment would provide that the Legislature may require that a parent or legal guardian receive notice before his or her unemancipated minor or incompetent child undergoes any medical or surgical procedure or treatment relating to pregnancy, irrespective of any right or interest that is otherwise provided in the Constitution.</p>

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

STATEMENT

This proposed constitutional amendment states that the Legislature may provide that a parent or legal guardian shall receive notice before his or her unemancipated minor or incompetent child undergoes any medical or surgical procedure or treatment relating to pregnancy, irrespective of any right or interest otherwise provided in the State Constitution.

The Legislature enacted the "Parental Notification for Abortion Act," P.L.1999, c.145 (C.9:17A-1.1 et seq.) and the constitutionality of the act was challenged in court. The case came before the New Jersey Supreme Court and in Planned Parenthood of Central New Jersey v. Farmer, 165 N.J. 609 (2000), the court found the act unconstitutional.

In its analysis, the New Jersey Supreme Court relied on the "more expansive" language found in the New Jersey Constitution than that of the United States Constitution, and stated that Article I, paragraph 1 of the New Jersey Constitution "incorporates within its terms the right of privacy and its concomitant rights, including a woman's right to make certain fundamental choices." In declaring the law unconstitutional on equal protection grounds under the State

1 Constitution, the court found that the law unconstitutionally
2 distinguished "between minors seeking an abortion and minors
3 seeking medical and surgical care relating to their pregnancies."

4 This constitutional amendment is intended to overturn the court's
5 decision and permit the Legislature to provide that a parent shall
6 receive notice before his or her unemancipated minor or
7 incompetent child undergoes any medical or surgical procedure or
8 treatment relating to pregnancy, irrespective of any right or interest
9 otherwise provided in the State Constitution.