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April 12, 2023

Committee Chair Wahab  
Senate Public Safety Committee  
1021 O Street, Room 2200  
Sacramento, California 95814

**Re: Letter opposing SB 345 as unconstitutionally hostile towards other states' laws**

Dear Chair and Members of the Senate Public Safety Committee,

On behalf of the Right to Life League and our supporters, we urge you to reject **SB 345**.

As currently drafted, SB 345 is unconstitutional on its face, ignoring and even criminalizing the enforcement of valid, out-of-state laws in violation of Article Full Faith and Credit Clause. Its sweeping language evinces a special 'policy of hostility' towards other states. It is a blatant attempt to supplant the clear and unambiguous ruling of the Supreme Court in *Dobbs* which specifically left the matter of abortion regulation to the states.

The bill's current iteration seeks to supplant other states' healthcare laws prohibiting abortion. It also criminalizes out-of-state discovery requests relating to abortion. AB 345 ignores the validity of other states' abortion restrictions and actually acts to frustrate and criminalize their enforcement:

*(7) Existing law prohibits a state or local law enforcement agency or officer from knowingly arresting or knowingly participating in the arrest of any person for performing, supporting, or aiding in the performance of an abortion or for obtaining an abortion, if the abortion is lawful in this state. Existing law **prohibits a state or local public agency from cooperating** with or providing information to an individual or agency from another state or a federal law enforcement agency, as specified, regarding a lawful abortion.*

*This bill would additionally **prohibit** a state or local government employee or a person acting on behalf of the local or state government, among others, **from providing***

*information or expending resources in furtherance of an investigation that seeks to impose civil or criminal liability or professional sanctions on an individual for a legally protected health-care activity that occurred in this state or that would be legal if it occurred in this state. The bill would require any out-of-state subpoena to include an affidavit or declaration under penalty of perjury that the discovery request is not in connection with an out-of-state proceeding relating to a legally protected health care activity, except as specified. By requiring an individual seeking to discovery under these provisions to declare certain conditions are present under penalty of perjury, this bill would expand the crime of perjury and impose a state-mandated local program.*

Article 4 of the U.S. Constitution states: “Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State.” AB 345 blatantly violates the Full Faith and Credit Clause in Article 4 of the U.S. Constitution by instructing those tasked with enforcing foreign state law not to comply with other states’ valid laws if the matter concerns abortion.

The Supreme Court has interpreted the full Faith and Credit Clause to require states to open their courts to claims based on other states’ laws under various circumstances. Furthermore, in *Franchise Tax Board v. Hyatt (Franchise Tax Board II)*, the Court explained that the Full Faith and Credit Clause forbids states from applying a special rule of law that evinces a ‘policy of hostility’ towards other states.

The bill’s sweeping, overbroad language prohibits state actors (like police, judges, and other law enforcement personnel) from executing all manners of normal legal compliance with other states’ laws, such as a valid arrest warrant, or cooperating with a lawful subpoena for records if the underlying matter concerns abortion. This overbroad prohibition encompasses both legal **health-care activity occurring in this state “OR that would be legal if it occurred in this state.”** This evinces an unconstitutional policy hostility towards other states’ valid laws restricting abortion, making the bill unconstitutionally flawed.

For these reasons, please vote NO on SB 345.

Very Truly Yours,



Susan S. Arnall, Esq.

Vice President of Legal Affairs

Right to Life League

