

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 2720-01  
Bill No.: SB 765  
Subject: Crimes and Punishment; Health Care Professionals; Health, Public; Medical Procedures and Personnel; Science and Technology  
Type: Original  
Date: January 9, 2004

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**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
General	(Less than \$100,000)	(Less than \$100,000)	(Less than \$100,000)
<b>Total Estimated Net Effect on General Revenue Fund</b>	<b>(Less than \$100,000)</b>	<b>(Less than \$100,000)</b>	<b>(Less than \$100,000)</b>

<b>ESTIMATED NET EFFECT ON STATE FUNDS</b>			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
<b>Total Estimated Net Effect on <u>All</u> State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: ( ) indicate costs or losses.  
This fiscal note contains 4 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

### FISCAL ANALYSIS

#### ASSUMPTION

Officials from the **Office of State Courts Administrator**, the **Department of Social Services**, the **Department of Health and Senior Services**, the **State Public Defender**, the **Office of Prosecution Services** and the **Department of Economic Development - Division of Professional Registration** assume this proposal would not fiscally impact their agencies.

Officials from the **Department of Corrections (DOC)** did not respond to our fiscal note request. However, in a similar proposal from last year, the DOC stated the following: the proposal prohibits individuals from engaging in or using public funds and facilities for human cloning. DOC stated penalty provisions are for a class B felony.

The DOC cannot predict the number of new commitments which may result from the creation of the offenses(s) outlined in this proposal. An increase in commitments depends on the utilization by prosecutors and the actual sentences imposed by the court.

If additional persons are sentenced to the custody of the DOC due to the provisions of this proposal, the DOC will incur a corresponding increase in operational cost either through incarceration (FY 02 average of \$35.52 per inmate, per day or an annual cost of \$12,965 per inmate) or through supervision provided by the Board of Probation and Parole (FY 02 average of \$3.10 per offender, per day or an annual cost of \$1,132 per offender).

ASSUMPTION (continued)

CAM:LR:OD (12/02)

DOC states supervision by the DOC through probation or incarceration would result in additional unknown costs to the DOC. Eight persons would have to be incarcerated per fiscal year to exceed \$100,000 annually. Due to the narrow scope of this new crime, DOC assumes the impact would be less than \$100,000 per year.

<u>FISCAL IMPACT - State Government</u>	FY 2005 (10 Mo.)	FY 2006	FY 2007
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# **GENERAL REVENUE**

<u>Costs - Department of Corrections</u>			
Incarceration/probation costs	<u>(Less than</u> <u>\$100,000)</u>	<u>(Less than</u> <u>\$100,000)</u>	<u>(Less than</u> <u>\$100,000)</u>

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE</b>	<b><u>(Less than</u> <u>\$100,000)</u></b>	<b><u>(Less than</u> <u>\$100,000)</u></b>	<b><u>(Less than</u> <u>\$100,000)</u></b>
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<u>FISCAL IMPACT - Local Government</u>	FY 2005 (10 Mo.)	FY 2006	FY 2007
	<u><b>\$0</b></u>	<u><b>\$0</b></u>	<u><b>\$0</b></u>

## FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

## DESCRIPTION

This proposal prohibits human cloning. "Cloning a human being" is defined as the creation of a human being by any means other than by the fertilization of a naturally intact oocyte of a human female by a naturally intact sperm of a human male.

Any individual knowingly engaging or participating in human cloning or using public funds and public facilities for purposes of human cloning will be guilty of a Class B felony.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

## SOURCES OF INFORMATION

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Office of State Courts Administrator  
Department of Social Services  
Department of Economic Development -  
Division of Professional Registration  
Department of Health and Senior Services  
Office of Prosecution Services  
State Public Defender

**Not responding: Department of Corrections**

A handwritten signature in black ink that reads "Mickey Wilson". The signature is written in a cursive, flowing style.

Mickey Wilson, CPA  
Director  
January 9, 2004