

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 0424-01  
Bill No.: SB 2  
Subject: Abortions; Children and Minors; Health Care; Health Care Professionals; Liability;  
Medical Procedures and Personnel  
Type: Original  
Date: January 27, 2005

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**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
<b>FUND AFFECTED</b>	<b>FY 2006</b>	<b>FY 2007</b>	<b>FY 2008</b>
<b>Total Estimated Net Effect on General Revenue Fund</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2006</b>	<b>FY 2007</b>	<b>FY 2008</b>
<b>Total Estimated Net Effect on <u>Other</u> State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: ( ) indicate costs or losses.  
This fiscal note contains 5 pages.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2006</b>	<b>FY 2007</b>	<b>FY 2008</b>
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2006</b>	<b>FY 2007</b>	<b>FY 2008</b>
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**FISCAL ANALYSIS**

**ASSUMPTION**

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

Officials from the **Office of Attorney General (AGO)** assume this proposal would create a fiscal impact. AGO further assumes that costs cannot be estimated due to insufficient information as to the potential number of injunctive actions that may be required to be filed.

In an identical proposal from the previous session (SCS for SB 738, L.R. 3138-04), **AGO** assumed this proposal would not have a fiscal impact. **Oversight** assumes any costs can be absorbed by the **AGO**.

Officials from the **Department of Corrections (DOC)** state this proposal enhances the crime criteria for the existing penalty provisions.

The DOC states it cannot predict the number of new commitments which may result from the

ASSUMPTION (continued)

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 would incur a corresponding increase in operational costs either through incarceration (FY 04 average of \$38.37 per inmate, per day or an annual cost of \$14,005 per inmate) or through supervision provided by the Board of Probation and Parole (FY 03 average of \$3.15 per offender, per day or an annual cost of \$1,150 per offender).

The DOC states supervision by the DOC through probation or incarceration would result in some additional costs, but DOC assumes the impact would be \$0 or a minimal amount that could be absorbed within existing resources.

<u>FISCAL IMPACT - State Government</u>	FY 2006 (10 Mo.)	FY 2007	FY 2008
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<u>FISCAL IMPACT - Local Government</u>	FY 2006 (10 Mo.)	FY 2007	FY 2008
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

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

DESCRIPTION

This proposal provides that no person shall intentionally cause, aid or assist a minor to obtain an abortion without the required informed consent. Any person who has sufficient contact with this state and violates this act shall be civilly liable to the minor and to the person required to the required informed consent. A court may award damages, including attorney's fees, litigation costs and court costs, to any person adversely affected by a violation of this act. The court may include compensation for emotional injury even if there is no personal presence at the scene of any act or event. A court may also award punitive damages.

It is not a defense to a claim brought pursuant to this act that the abortion was performed in

DESCRIPTION (continued)

accordance with the required consent of the state or place where the abortion was performed. An unemancipated minor does not have the capacity to consent to any action of this act or to Section 188.028, RSMo.

A court may enjoin conduct in violation of this act upon a petition by the Attorney General, a prosecuting or circuit attorney, or a person adversely affected or who may be adversely affected. In order to enjoin such conduct, there must be a showing that such conduct is reasonably anticipated to occur in the future or has occurred in the past and it is not unreasonable to expect that such conduct will be repeated.

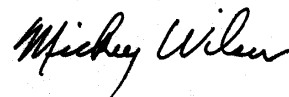
This proposal modifies the penalty for physicians who perform abortions. Currently, Section 188.080, RSMo, prohibits anyone but licensed physicians from performing abortions and imposes a penalty. This proposal modifies the penalty to state that any physician who does not have clinical privileges to provide OB/GYN care at a hospital located within 30 miles of the location at which the abortion is performed is guilty of a Class B felony.

The proposal also modifies the definition of "ambulatory surgical center" in Section 197.200, RSMo, to include "any establishment operated for the purpose of performing or inducing any second or third trimester abortions or at least five or more first trimester abortions per month".

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

Office of State Court Administrator  
Department of Health and Senior Services  
Department of Social Services  
Department of Economic Development -  
Division of Professional Registration  
Attorney General  
Department of Corrections



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