

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0424-04
Bill No.: SCS for SB 2
Subject: Abortions; Children and Minors; Health Care; Health Care Professionals;
 Liability; Medical Procedures and Personnel
Type: Original
Date: March 11, 2005

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2006	FY 2007	FY 2008
General Revenue	(Less than \$100,000)	(Less than \$100,000)	(Less than \$100,000)
Total Estimated Net Effect on General Revenue Fund	(Less than \$100,000)	(Less than \$100,000)	(Less than \$100,000)

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

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

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

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

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 it would need a Assistant Attorney General I to prepresent persons adversely affected in this proposal by bringing injunctions on their behalf.

Oversight assumes any costs can be absorbed by the **AGO**.

Officials from the **Department of Corrections (DOC)** assume this proposal modifies laws relating to abortion services. Crimes are for up to a class B felony and this proposal enhances the crime criteria thus making arrest and/or conviction easier.

Currently, DOC cannot predict the number of new commitments which may result from the ASSUMPTION (continued)

creation of the offense(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 legislation, the DOC will incur a corresponding increase in operational cost either through incarceration (FY04 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 (FY03 average of \$3.15 per offender, per day or an annual cost of \$1,150 per offender).

In summary, supervision by the DOC through probation or incarceration would result in additional unknown costs to the department. Eight (8) 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 for their agency.

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

GENERAL REVENUE

<u>Costs - Department of Corrections</u>			
Probation or Incarceration 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>

ESTIMATED NET EFFECT TO GENERAL REVENUE	<u>(Less than</u> <u>\$100,000)</u>	<u>(Less than</u> <u>\$100,000)</u>	<u>(Less than</u> <u>\$100,000)</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

Under this proposal, definitions for "department" and "medical emergency" were added in the chapter regulating abortions. This proposal also provides, as to a minor's consent for an abortion, that the term "next friend" shall not include another minor child or any persons or entities who have a financial interest or potential gain from the proposed abortion.

A new defense of medical emergency was added for a person performing an action or not performing an action according to current law. This proposal also provides that no person shall intentionally cause, aid or assist a minor to obtain an abortion without the required informed consent or judicial decree. Any person who has sufficient contact with this state and violates this proposal 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 proposal. The court may include compensation for emotional injury even if there is no personal presence at the scene of any proposal or event. A court may also award punitive damages. However, any adult who has engaged in or consents to another person committing rape or incest against a minor which results in the minor obtaining an abortion shall not be awarded damages.

A court may enjoin conduct in violation of this proposal 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.

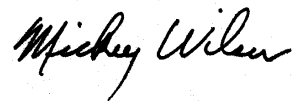
The proposal also modifies the definition of "ambulatory surgical center" in Section 197.200, RSMo, to include "any establishment operated for the purpose of performing or inducing any second or third trimester abortions or at least five or more first trimester abortions per month".

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

L.R. No. 0424-04
Bill No. SCS for SB 2
Page 5 of 5
March 11, 2005

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
Office of Prosecution Services

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

Mickey Wilson, CPA
Director
March 11, 2005