

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 1314S.01I  
 Bill No.: SB 119  
 Subject: Abortion; Crimes and Punishment; Drugs and Controlled Substances; Health Care  
 Type: Original  
 Date: January 30, 2025

Bill Summary: This proposal creates provisions relating to the possession and delivery of abortifacient drugs.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>				
FUND AFFECTED	FY 2026	FY 2027	FY 2028	Fully Implemented (FY 2031)
General Revenue	Could exceed (\$69,900)	Could exceed (\$171,115)	Could exceed (\$261,806)	Could exceed (\$445,973)
<b>Total Estimated Net Effect on General Revenue</b>	<b>Could exceed (\$69,900)</b>	<b>Could exceed (\$171,115)</b>	<b>Could exceed (\$261,806)</b>	<b>Could exceed (\$445,973)</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>				
FUND AFFECTED	FY 2026	FY 2027	FY 2028	Fully Implemented (FY 2031)
<b>Total Estimated Net Effect on Other State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: () indicate costs or losses.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>				
FUND AFFECTED	FY 2026	FY 2027	FY 2028	Fully Implemented (FY 2031)
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)</b>				
FUND AFFECTED	FY 2026	FY 2027	FY 2028	Fully Implemented (FY 2031)
General Revenue	0 FTE	0 FTE	0 FTE	1 FTE
<b>Total Estimated Net Effect on FTE</b>	<b>0 FTE</b>	<b>0 FTE</b>	<b>0 FTE</b>	<b>1 FTE</b>

- Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.
- Estimated Net Effect (savings or increased revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>				
FUND AFFECTED	FY 2026	FY 2027	FY 2028	Fully Implemented (FY 2031)
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**FISCAL ANALYSIS**

ASSUMPTION

§579.017 – Abortifacient drugs

Officials from the **Department of Corrections (DOC)** state this proposal creates provisions relating to the possession and delivery of abortifacient drugs. Section 579.017 creates the offenses of possession of abortifacient drugs, a class C felony, and delivery of abortifacient drugs, a class C felony.

As these are new crimes, there is little direct data on which to base an estimate, and as such, the department estimates an impact comparable to the creation of two new class C felonies.

For each new class C felony, the department estimates four people could be sentenced to prison and six to probation. The average sentence for a class C felony offense is 6.9 years, of which 3.7 years will be served in prison with 2.1 years to first release. The remaining 3.2 years will be on parole. Probation sentences will be 3 years.

The cumulative impact on the department is estimated to be 30 additional offenders in prison and 54 additional offenders on field supervision by FY 2031.

**Change in prison admissions and probation openings with legislation-Class C Felony**

	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031	FY2032	FY2033	FY2034	FY2035
<b>New Admissions</b>										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	8	8	8	8	8	8	8	8	8	8
<b>Probation</b>										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	12	12	12	12	12	12	12	12	12	12
<b>Change (After Legislation - Current Law)</b>										
Admissions	8	8	8	8	8	8	8	8	8	8
Probations	12	12	12	12	12	12	12	12	12	12
<b>Cumulative Populations</b>										
Prison	8	16	24	30	30	30	30	30	30	30
Parole				2	10	18	26	26	26	26
Probation	12	24	36	36	36	36	36	36	36	36
<b>Impact</b>										
Prison Population	8	16	24	30	30	30	30	30	30	30
Field Population	12	24	36	38	46	54	62	62	62	62
<b>Population Change</b>	<b>20</b>	<b>40</b>	<b>60</b>	<b>68</b>	<b>76</b>	<b>84</b>	<b>91</b>	<b>91</b>	<b>91</b>	<b>91</b>

	# to prison	Cost per year	Total Costs for <b>prison</b>	Change in probation & parole officers	Total cost for <b>probation and parole</b>	# to probation & parole	Grand Total - Prison and Probation (includes 2% inflation)
Year 1	8	(\$10,485)	(\$69,900)	0	\$0	12	(\$69,900)
Year 2	16	(\$10,485)	(\$171,115)	0	\$0	24	(\$171,115)
Year 3	24	(\$10,485)	(\$261,806)	0	\$0	36	(\$261,806)
Year 4	30	(\$10,485)	(\$333,803)	0	\$0	38	(\$333,803)
Year 5	30	(\$10,485)	(\$340,479)	0	\$0	46	(\$340,479)
Year 6	30	(\$10,485)	(\$347,288)	1	(\$98,685)	54	(\$445,973)
Year 7	30	(\$10,485)	(\$354,234)	1	(\$90,430)	62	(\$444,664)
Year 8	30	(\$10,485)	(\$361,319)	1	(\$91,395)	62	(\$452,714)
Year 9	30	(\$10,485)	(\$368,545)	1	(\$92,370)	62	(\$460,915)
Year 10	30	(\$10,485)	(\$375,916)	1	(\$93,357)	62	(\$469,273)

If this impact statement has changed from statements submitted in previous years, it could be due to an increase/decrease in the number of offenders, a change in the cost per day for institutional offenders, and/or an increase in staff salaries.

If the projected impact of legislation is less than 1,500 offenders added to or subtracted from the department's institutional caseload, the marginal cost of incarceration will be utilized. This cost of incarceration is \$28.73 per day or an annual cost of \$10,485 per offender and includes such costs as medical, food, and operational E&E. However, if the projected impact of legislation is 1,500 or more offenders added or removed to the department's institutional caseload, the full cost of incarceration will be used, which includes fixed costs. This cost is \$100.25 per day or an annual cost of \$36,591 per offender and includes personal services, all institutional E&E, medical and mental health, fringe, and miscellaneous expenses. None of these costs include construction to increase institutional capacity.

DOC's cost of probation or parole is determined by the number of P&P Officer II positions that are needed to cover its caseload. The DOC average district caseload across the state is 51 offender cases per officer. An increase/decrease of 51 cases would result in a cost/cost avoidance equal to the salary, fringe, and equipment and expenses of one P&P Officer II. Increases/decreases smaller than 51 offender cases are assumed to be absorbable.

In instances where the proposed legislation would only affect a specific caseload, such as sex offenders, the DOC will use the average caseload figure for that specific type of offender to calculate cost increases/decreases.

**Oversight** does not have any information contrary to that provided by DOC. Therefore, Oversight will reflect DOC's impact for fiscal note purposes.

Officials from the **Office of State Courts Administrator (OSCA)** state there may be some impact but there is no way to quantify that currently. Any significant changes will be reflected in future budget requests.

**Oversight** notes OSCA assumes this proposal may have some impact on their organization although it can't be quantified at this time. As OSCA is unable to provide additional information regarding the potential impact, Oversight assumes the proposed legislation will have a \$0 to (Unknown) cost to the General Revenue Fund. For fiscal note purposes, Oversight also assumes the impact will be under \$250,000 annually. If this assumption is incorrect, this would alter the fiscal impact as presented in this fiscal note. If additional information is received, Oversight will review it to determine if an updated fiscal note should be prepared and seek approval to publish a new fiscal note.

Officials from the **Office of Attorney General (AGO)** assume any potential litigation costs arising from this proposal can be absorbed with existing resources. The AGO may seek additional appropriations if the proposal results in a significant increase in litigation or investigation costs.

**Oversight** does not have any information to the contrary. Therefore, Oversight assumes the AGO will be able to perform any additional duties required by this proposal with current staff and resources and will reflect no fiscal impact to the AGO for fiscal note purposes.

Officials from the **Department of Health and Senior Services (DHSS)** state this proposal creates provisions relating to the possession and delivery of abortifacient drugs. Section 579.017 of the proposed legislation amends the criminal code to make possession, distribution, and delivery of an abortifacient drug a class C felony.

The Division of Regulation and Licensure's (DRL) Section for Health Standards and Licensure (HSL) will be responsible for facility licensing, inspection, and complaints.

It is assumed that the Department can absorb the costs of this bill with current resources. However, if the workload significantly increased or other legislation was enacted, additional resources would be requested through the appropriation process.

Officials from the **Office of the State Public Defender (SPD)** state per the National Public Defense Workload Study, the new charge contemplated by this change to Section 579.017 creating a class B or C felony, would take approximately fifty-seven hours of SPD work for reasonably effective representation. If one hundred cases were filed under this section in a fiscal year, representation would result in a need for an additional three attorneys. Because the number of cases that will be filed under this statute is unknown, the exact additional number of attorneys necessary is unknown. Each case would also result in unknown increased costs in the need for core staff, travel, and litigation expenses.

**Oversight** assumes this proposal will not create the number of new cases required to request additional FTE for the SPD and that the SPD can absorb the additional caseload required by this proposal with current staff and resources. Therefore, Oversight will reflect no fiscal impact to the SPD for fiscal note purposes. However, if multiple bills pass which require additional staffing and duties, the SPD may request funding through the appropriation process.

Officials from the **Missouri Office of Prosecution Services (MOPS)** assume the proposal will have no measurable fiscal impact on MOPS. The enactment of a new crime creates additional responsibilities for county prosecutors and the circuit attorney which may, in turn, result in additional costs, which are difficult to determine.

Officials from the **Department of Commerce and Insurance** and the **Department of Public Safety - Missouri Highway Patrol** each assume the proposal will have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

**Oversight** only reflects the responses received from state agencies and political subdivisions; however, other hospitals were requested to respond to this proposed legislation but did not. A listing of political subdivisions included in the Missouri Legislative Information System (MOLIS) database is available upon request.

<u>FISCAL IMPACT</u> – State Government	FY 2026 (10 Mo.)	FY 2027	FY 2028	Fully Implemented (FY 2031)
<b>GENERAL REVENUE</b>				
<u>Cost – DOC</u> (\$579.017)				
Personal Service	\$0	\$0	\$0	(\$49,224)
Fringe Benefits	\$0	\$0	\$0	(\$36,327)
Exp. & Equip.	\$0	\$0	\$0	(\$13,134)
Increased incarceration costs	(\$69,900)	(\$171,115)	(\$261,806)	(\$347,288)
<b>Total Cost - DOC</b>	<b>(\$69,900)</b>	<b>(\$171,115)</b>	<b>(\$261,806)</b>	<b>(\$445,973)</b>
FTE Change - DOC	0 FTE	0 FTE	0 FTE	1 FTE
<u>Cost – OSCA</u> (\$579.017) Potential cost relating to abortifacient drugs	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)

<u>FISCAL IMPACT</u> <u>– State</u> <u>Government</u>	FY 2026 (10 Mo.)	FY 2027	FY 2028	Fully Implemented (FY 2031)
<b>ESTIMATED NET EFFECT ON GENERAL REVENUE</b>	<b><u>Could exceed</u> <u>(\$69,900)</u></b>	<b><u>Could exceed</u> <u>(\$171,115)</u></b>	<b><u>Could exceed</u> <u>(\$261,806)</u></b>	<b><u>Could exceed</u> <u>(\$445,973)</u></b>
Estimated Net FTE Change on General Revenue	0 FTE	0 FTE	0 FTE	1 FTE

<u>FISCAL IMPACT</u> <u>– Local</u> <u>Government</u>	FY 2026 (10 Mo.)	FY 2027	FY 2028	Fully Implemented (FY 2031)
	<b><u>\$0</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>

FISCAL IMPACT – Small Business

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

FISCAL DESCRIPTION

ABORTIFACIENT DRUGS (Section 579.017)

This act creates the offense of possession of an abortifacient drug with the intent to induce an abortion on oneself or another person and the offense of delivery of an abortifacient drug with the intent to induce, or otherwise assist in, an abortion on another person. These offenses are class C felonies. It shall be an affirmative defense for either offense that the possession or delivery of the drug was because of an abortion induced due to a medical emergency.

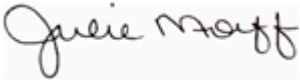
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Attorney General’s Office  
 Department of Commerce and Insurance  
 Department of Health and Senior Services  
 Department of Corrections

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Department of Public Safety - Missouri Highway Patrol  
Missouri Office of Prosecution Services  
Office of the State Courts Administrator  
Office of the State Public Defender



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