

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 3297-01
Bill No.: HB 1339
Subject: Abortion; Health Care; Health Care Professionals; Hospitals; Physicians
Type: Original
Date: March 31, 2004

FISCAL SUMMARY

| ESTIMATED NET EFFECT ON GENERAL REVENUE FUND | | | |
|---|------------|------------|------------|
| FUND AFFECTED | FY 2005 | FY 2006 | FY 2007 |
| | | | |
| | | | |
| Total Estimated Net Effect on General Revenue Fund | \$0 | \$0 | \$0 |

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

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 |
| | | | |
| | | | |
| Total Estimated Net Effect on <u>All</u> Federal Funds | \$0 | \$0 | \$0 |

| ESTIMATED NET EFFECT ON LOCAL FUNDS | | | |
|--|----------------|----------------|----------------|
| FUND AFFECTED | FY 2005 | FY 2006 | FY 2007 |
| 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** assume any costs arising from this proposal could be absorbed with existing resources.

Officials from the **Department of Corrections (DOC)** state currently, 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.

DOC states 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 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).

ASSUMPTION (continued)

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

| <u>FISCAL IMPACT - State Government</u> | FY 2005 (10 Mo.) | FY 2006 | FY 2007 |
|---|---------------------|------------|------------|
| | <u>\$0</u> | <u>\$0</u> | <u>\$0</u> |
| <u>FISCAL IMPACT - Local Government</u> | FY 2005 (10 Mo.) | FY 2006 | FY 2007 |
| | <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 revises provisions relating to abortions. The proposal:

- (1) Revises a penalty provision pertaining to the performance of actions contrary to current law and the nonperformance of required actions under current law. A defense of performing or not performing an action due to a medical emergency is established; and
- (2) Creates the definition for "medical emergency."

The proposal also prohibits a person from intentionally causing, aiding, or assisting a minor to obtain an abortion without the informed consent required by Section 188.028, RSMo. Any person who violates this provision will be civilly liable to persons adversely affected by the action. If civil liability is established, a court may award damages, including attorney fees and court costs to any person adversely affected by a violation.

The proposal does not allow a defense to a claim which asserts that the abortion was performed in accordance with the required consent of the state or place where the abortion was performed. The bill also contains a provision which prohibits an unemancipated minor from having the capacity to consent to any action in violation of the bill or Section 188.028.

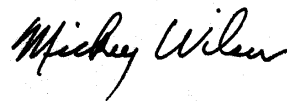
DESCRIPTION (continued)

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

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
Office of Attorney General
Department of Corrections



Mickey Wilson, CPA
Director
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