

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 5500-01  
Bill No.: HB 2127  
Subject: Abortion; Children and Minors; Crimes and Punishment  
Type: Original  
Date: April 18, 2016

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Bill Summary: This proposal prohibits a person from transporting a minor across state lines to obtain an abortion without the consent required by state law.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2017	FY 2018	FY 2019
General Revenue	\$0	(\$19,508)	(\$26,780)
<b>Total Estimated Net Effect on General Revenue</b>	<b>\$0</b>	<b>(\$19,508)</b>	<b>(\$26,780)</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
FUND AFFECTED	FY 2017	FY 2018	FY 2019
<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 6 pages.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2017</b>	<b>FY 2018</b>	<b>FY 2019</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 FULL TIME EQUIVALENT (FTE)</b>			
<b>FUND AFFECTED</b>	<b>FY 2017</b>	<b>FY 2018</b>	<b>FY 2019</b>
<b>Total Estimated Net Effect on FTE</b>	<b>0</b>	<b>0</b>	<b>0</b>

Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$100,000 in any of the three fiscal years after implementation of the act.

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2017</b>	<b>FY 2018</b>	<b>FY 2019</b>
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

## FISCAL ANALYSIS

### ASSUMPTION

**Oversight** was unable to receive some of the agency responses in a timely manner due to the short fiscal note request time. Oversight has presented this fiscal note on the best current information that we have or on prior year information regarding a similar bill. Upon the receipt of agency responses, Oversight will review to determine if an updated fiscal note should be prepared and seek the necessary approval of the chairperson of the Joint Committee on Legislative Research to publish a new fiscal note.

Officials from the **Department of Corrections (DOC)** state this bill adds section 188.251 which would institute a class D felony (class E in 2017) for anyone knowingly transporting a minor across state lines with the intent of the minor having an abortion without consent required by section 188.028. As this is a new penalty, there is no prior data to apply, so it is estimated that the impact will be that of a standard nonviolent class D felony. This includes one incarceration with an average sentence of 3.5 years and 1.5 years time served, and 2 probation sentences for 3 years. The cumulative impact on DOC is 1.5 additional offenders in prison and 8 on field supervision by FY 2020.

The FY15 average cost of supervision is \$6.04 per offender per day or an annual cost of \$2,205 per offender. The DOC cost of incarceration is \$16.809 per day or an annual cost of \$6,135 per offender. The DOC projects the following costs to the General Revenue Fund:

FY 17	\$8,788
FY 18	\$19,508
FY 19	\$26,780
FY 20	\$28,485
FY 21	\$29,055
FY 22	\$29,636
FY 23	\$30,229
FY 24	\$30,834
FY 25	\$31,450
FY 26	\$32,079

**Oversight** assumes the DOC can absorb the minimal costs for FY 17 but will present costs for FYs 18 and 19.

ASSUMPTION (continued)

For the purpose of this proposed legislation, officials from the **Office of State Public Defender (SPD)** cannot assume that existing staff will provide competent, effective representation for any new cases where indigent persons are charged with the proposed new crime of transporting a minor across a state line with the intention of obtaining an abortion - a new Class D felony.

While the number of new cases (or cases with increased penalties) may be too few or uncertain to request additional funding for this specific bill, the SPD will continue to request sufficient appropriations to provide effective representation in all cases.

**Oversight** assumes the SPD can absorb the additional caseload that may result from this proposal.

Officials from the **Missouri Office of Prosecution Services** assume the proposal will have no measurable fiscal impact on MOPS.

Officials from the **Office of State Courts Administrator** assume the proposal would not fiscally impact their agency.

**Oversight** assumes the Office of Attorney General (AGO) can absorb any additional costs that may be incurred. If costs are significantly different than anticipated, the AGO may request additional funding through the appropriations process.

<u>FISCAL IMPACT - State Government</u>	FY 2017 (10 Mo.)	FY 2018	FY 2019
<b>GENERAL REVENUE FUND</b>			
<u>Costs - DOC (\$188.251)</u>			
Increase in incarceration and probation/parole costs	<u>\$0</u>	<u>(\$19,508)</u>	<u>(\$26,780)</u>
<b>ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND</b>	<b><u>\$0</u></b>	<b><u>(\$19,508)</u></b>	<b><u>(\$26,780)</u></b>

<u>FISCAL IMPACT - Local Government</u>	FY 2017 (10 Mo.)	FY 2018	FY 2019
	<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.

FISCAL DESCRIPTION

This bill prohibits a person from knowingly transporting a minor across a state line with the intent that such minor obtain an abortion without the consent of the minor's parent or guardian, unless the minor is emancipated or has been granted the right to self-consent or consent via court order, as required under Section 188.028, RSMo. A person who violates these provisions is guilty of a class D felony until December 31, 2016, or a class E felony beginning January 1, 2017, and must also be civilly liable to the minor and the person or persons required to give consent to an abortion under Missouri law. A court may award damages to the person or persons adversely affected by a violation of these provisions, including compensation for emotional injury without the need for personal presence at the act or event, attorneys' fees, litigation costs, and punitive damages. Any adult who engages in or consents to another person engaging in a sex act with a minor that is prohibited by Missouri law that results in the minor's pregnancy must not be awarded damages under these provisions. A minor transported in violation of these provisions and any parent of such minor must not be prosecuted or sued for violation of these provisions.

It must not be a defense to a prosecution or civil claim brought under these provisions that the abortion was performed or induced in accordance with consent to the abortion given in a manner that is otherwise lawful in the state where the abortion was performed or induced. It is an affirmative defense to a prosecution or civil claim under these provisions that the defendant reasonably believed, based on information the defendant obtained directly from a parent of the minor, that before the minor obtained the abortion the consent required under Missouri law was obtained. The bill delineates that an unemancipated minor does not have capacity to consent to any action in violation of these provisions. The bill permits a court to enjoin conduct that would be in violation of these provisions upon petition by the Attorney General, a prosecuting or circuit attorney, or any person adversely affected or who reasonably may be adversely affected by such conduct upon showings as specified in the bill.

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

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SOURCES OF INFORMATION

Department of Corrections  
Missouri Office of Prosecution Services  
Office of State Courts Administrator  
Office of State Public Defender



Mickey Wilson, CPA  
Director  
April 18, 2016

Ross Strobe  
Assistant Director  
April 18, 2016