

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 3138-04
Bill No.: SCS for SB 738
Subject: Abortion; Children and Minors; health Care; Health Care Professionals; Liability; Medical Procedures and Personnel
Type: Original
Date: March 8, 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 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**, the **Attorney General** and the **Department of Social Services** assume this proposal would not fiscally impact their agencies.

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 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 through supervision provided by the Board of Probation and Parole (FY03 average of \$38.10 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

ASSUMPTION (continued)

additional costs, bu 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 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 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 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

DESCRIPTION (continued)

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.

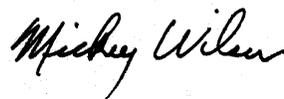
This act modifies the penalty for physicians who perform abortions. Currently, Section 188.080, RSMo, prohibits anyone but licensed physicians from performing abortions and imposes a penalty. This act modifies the penalty to state that any physician who does not have clinical privileges to provide OB/GYN 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 act 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



Mickey Wilson, CPA
Director
March 8, 2004