

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 1187-01
Bill No.: HB 386
Subject: Abortion; Health Care; Physicians
Type: Original
Date: March 1, 2013

Bill Summary: This proposal establishes the Abortion Ban for Sex Selection and Genetic Abnormalities Act of 2013 to prohibit an abortion solely due to the sex of the unborn child or a genetic abnormality diagnosis.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
Total Estimated Net Effect on General Revenue Fund	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
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 2014	FY 2015	FY 2016
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
Total Estimated Net Effect on FTE	0	0	0

Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).

Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Health and Senior Services (DHSS)** state the Special Health Care Needs (SHCN) Division estimates that banning abortion based on genetic abnormalities could increase the number of participants receiving services through SHCN programs. Additional funding may be required; however, the number of additional participants is unknown. Therefore, this legislation is expected to result in a zero to unknown fiscal impact.

Oversight assumes an increase in additional participants in the SHCN programs is speculative and may be outside the period of this fiscal note. Therefore, **Oversight** assumes if the DHSS needs additional funding for SHCN programs, it will request the additional funding through the appropriations process.

Officials from the **Department of Corrections (DOC)** state the penalty provisions for violations, the component of the bill to have a potential fiscal impact for DOC, is for up to a class D felony. Currently, the DOC cannot predict the number of new commitments which may result from the creation of the offense(s) outlined in this proposal. An increase in commitments depends on 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 of direct offender costs either through incarceration (FY 12 average of \$17.059 per offender, per day, or an annual cost of \$6,227 per inmate) or through supervision provided by the Board of Probation and Prol (FY 12 average of \$4.96 per offender, per day, or an annual cost of \$1,810 per offender).

The DOC assumes the narrow scope of the crime will not encompass a large number of offenders. The low felony status of the crime enhances the possibility of plea-bargaining or imposition of a probation sentence and the probability exists that offenders would be charged with a similar, but more serious offense, or that sentences may run concurrent to one another.

Therefore, the DOC assumes supervision 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.

Officials from the **Department of Social Services** state the proposal prohibits abortions based solely on the gender or genetic abnormalities of the fetus. MO HealthNet only pays for abortions to save the life of the mother or in the case of pregnancy resulting from rape or incest. Therefore, the proposal does not affect MO HealthNet.

ASSUMPTION (continued)

Officials from the **Office of State Courts Administrator**, the **Department of Insurance, Financial Institutions, and Professional Registration**, the **Department of Mental Health**, the **Office of Prosecution Services** and the **Office of State Public Defender** each assume the proposal would not fiscally impact their respective agencies.

Officials from the **Office of Attorney General** did not respond to **Oversight's** request for a statement of fiscal impact.

<u>FISCAL IMPACT - State Government</u>	FY 2014 (10 Mo.)	FY 2015	FY 2016
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2014 (10 Mo.)	FY 2015	FY 2016
	<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

The proposed legislation appears to have no direct fiscal impact.

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 Courts Administrator
Department of Insurance, Financial Institutions,
and Professional Registration
Department of Mental Health

HWC:LR:OD

SOURCES OF INFORMATION (continued)

Department of Corrections
Department of Health and Senior Services
Department of Social Services
Office of Prosecution Services
Office of State Public Defender

Not Responding:

Office of Attorney General



Ross Strobe
Acting Director
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