



## Impact Analysis on Proposed Legislation

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### *Virginia Criminal Sentencing Commission*

#### **House Bill No. 114** *(Patron – Marshall, R. G.)*

**Date Submitted:** 12/16/03

**LD #:** 04-1229396

**Topic:** Abortion during first trimester of pregnancy

#### **Proposed Change:**

This proposal amends § 18.2-72 to require that a lawful abortion during the first trimester of pregnancy be performed in a hospital or in a medical facility or clinic located no more than 15 highway miles from a hospital emergency room. Under current law, there is no restriction regarding the location where a lawful first-trimester abortion may take place. Under § 18.2-71, any person who unlawfully produces or performs an abortion or miscarriage is guilty of a Class 4 felony.

#### **Data Analysis:**

According to the Fiscal Year (FY) 2000 and FY2001 Pre/Post-Sentence Investigation (PSI) database, there were no felony convictions for unlawfully performing an abortion in violation of § 18.2-71.

Convictions under this section are not currently covered by the guidelines as the primary offense but may augment the guidelines recommendation if a covered offense is the most serious at conviction.

#### **Impact of Proposed Legislation:**

The proposed legislation redefines the conditions for a legal abortion during the first trimester of pregnancy. The number of convictions that may be obtained under the proposal cannot be determined. It is assumed that persons qualified to perform a legal abortion under current law would comply with the proposed change. Under that scenario, the proposal would not result in an increase in state-responsible (prison) bed space needs. No adjustment to the sentencing guidelines would be necessary under the proposal.

**Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation is \$0 for periods of imprisonment in state adult correctional facilities and is \$0 for periods of commitment to the custody of the Department of Juvenile Justice.**

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