

Department of Planning and Budget 2004 Fiscal Impact Statement

1. **Bill Number** HB 1315
- House of Origin** ☒ Introduced ☐ Substitute ☐ Engrossed
- Second House** ☐ In Committee ☐ Substitute ☐ Enrolled

2. **Patron** Black

3. **Committee** Health, Welfare and Institutions

4. **Title** Anaesthetization in Abortions; Penalty

5. **Summary/Purpose:**

HB 1315 provides a definition of “unborn” child as “any living organism, prior to birth, whose deoxyribonucleic acid is that of Homo sapiens.” The bill would require, in an abortion performed after the first trimester, that the unborn child be “anesthetized in a manner suitable for patients undergoing amputation.” The physician would be required to submit a notarized report to the Department of Health within 90 days attesting to the estimated age at which the unborn child was aborted and whether the unborn child was first anesthetized.

A physician who performed an abortion without first anesthetizing the unborn child would be guilty of a Class 1 misdemeanor.

6. **Fiscal Impact Estimates are indeterminate (see Item 8, below)**

7. **Budget amendment necessary:** No

8. **Fiscal implications:**

Virginia Department of Health Budget

The Department can absorb the additional workload of receiving and filing reports, at no budgetary impact.

Fiscal Impact of Criminal Penalty Provisions

Because the incidence of physician failure to comply with the anaesthetization requirement cannot be determined, it is impossible to estimate court costs or imprisonment costs.

Anyone convicted of a Class 1 misdemeanor is subject to a sentence of up to 12 months in jail. Any increase in jail population will increase costs to the state. The Commonwealth pays the localities \$8.00 a day for each misdemeanant or otherwise local responsible prisoner held in a jail. It also funds most of the jails’ operating costs, for example, correctional

officers. The state's share of these costs, on a per prisoner per day basis, varies from locality to locality. However, according to the Compensation Board, the estimated total state support for local jails averaged \$29.80 per inmate per day in FY 2002.

9. Specific agency or political subdivisions affected: Virginia Department of Health (VDH); local jails; Virginia's court system

10. Technical amendment necessary: There is one minor typographical error in line 21 of HB 1315, as introduced. A space is missing: "Class1."

11. Other comments: None

Date: 1/22/04 / RMC

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c: Secretary of Health and Human Resources