

## Department of Planning and Budget 2004 Fiscal Impact Statement

1. **Bill Number** SB 371
- House of Origin** ☐ Introduced ☐ Substitute ☐ Engrossed
- Second House** ☐ In Committee ☐ Substitute ☐ Enrolled
2. **Patron** Cuccinelli
3. **Committee** Education and Health
4. **Title** Abortion: Anaesthetization of 'unborn child' and physician penalty
5. **Summary/Purpose:**

This bill would requires physicians performing abortions after twelve weeks of gestation to anaesthetize the 'unborn child' and file a notarized report with the Virginia Department of Health (VDH) within 90 days of the abortion. Physician failure to anaesthetize the unborn child would constitute a Class 6 Felony.

6. **Fiscal Impact Estimates are indeterminate (see Item 8, below)**
7. **Budget amendment necessary:** No
8. **Fiscal implications:**

### **Virginia Department of Health Budget**

Because the bill requires the Virginia Department of Health only to receive physicians' reports, the Department can absorb the additional workload of receiving and filing reports, at no budgetary impact.

### **Criminal Penalties**

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.

A judge could sentence a doctor convicted of a Class 6 felony under this bill to up to one year in jail or one to five years in prison. Therefore, this proposal could increase the number of persons sentenced to jail or prison.

Any increase in jail population will increase costs to the state. The Commonwealth pays \$8 a day for any local responsible prisoner (a misdemeanor) and any state responsible prisoner help for 60 days or less (a felon). If a local jail holds a felon for more than 60 days, the Commonwealth pays \$14.00 a day. The Commonwealth also funds most of the jails' operating costs, e.g. 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:** No

**11. Other comments:** None

**Date:** 1/20/04 / RMC

**Document:** G:\LEGIS\2004 Fises\Fises By DPB\SB371.Doc

c: Secretary of Health and Human Resources