

**Department of Planning and Budget
2009 Fiscal Impact Statement**

1. Bill Number: SB962

House of Origin Introduced ___ Substitute ___ Engrossed
Second House ___ In Committee ___ Substitute ___ Enrolled

2. Patron: Obenshain

3. Committee: Education and Health

4. Title: **Fetal deaths; report when unattended; penalty.**

5. Summary: Requires that when a fetal death occurs without medical attendance upon the mother at or after the delivery or abortion, the mother or someone acting on her behalf, within 24 hours, report the fetal death, location of the remains, and identity of the mother to the local or state police or sheriff's department of the city or county where the fetal death occurred. The bill also specifies that no one shall remove, destroy, or otherwise dispose of any remains without the express authorization of law-enforcement officials or the medical examiner, and that a violation of this section is a Class 1 misdemeanor.

6. Fiscal Impact Estimates: *Preliminary.*

7. Budget Amendment Necessary: No.

8. Fiscal Implications: Although insufficient data exists to determine the fiscal impact due to the legislation at this time, the legislation could result in an increase in the jail population since a Class 1 misdemeanor can result in a sentence of up to 12 months in jail (and \$2,500 fine). 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, 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's FY2007 Jail Cost Report (November 1, 2008), the estimated total state support for local jails averaged \$28.77 per inmate, per day in FY 2007.

9. Specific Agency or Political Subdivisions Affected: Local and regional jails, State Compensation Board, law enforcement agencies statewide, general district courts, medical examiner.

10. Technical Amendment Necessary: No

11. Other Comments: None.

Date: 1/19/2009 dpb/jgc

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