

Department of Planning and Budget 2010 Fiscal Impact Statement

1. Bill Number: SB69-S1

House of Origin ☐ Introduced ☐ Substitute ☒ Engrossed
Second House ☐ In Committee ☐ Substitute ☐ Enrolled

2. Patron: McEachin

3. Committee: Not Yet Assigned

4. Title: Surrogacy contracts by an unmarried person.

5. Summary: Permits a surrogacy contract to be entered into by an unmarried person, a surrogate, and the surrogate's husband, if any. Upon expiration of three days following birth of any resulting child, the surrogate may relinquish her parental rights to the intended parents, if at least one intended parent is the genetic parent of the child, by signing a surrogate consent and report form naming the intended parents as the parents of the child. Under current law, the surrogate may relinquish such parental rights to the intended parents upon expiration of 25 days following birth of any resulting child. The bill extends the length of time from 60 days to 180 days to submit required documents with the State Registrar of Vital Records. The bill also makes it a Class 1 misdemeanor to accept compensation for otherwise arranging or inducing intended parents and surrogates to enter into surrogacy contracts in this Commonwealth. Under current law, to otherwise arrange or induce intended parents and surrogates to enter into surrogacy contracts in this Commonwealth is a Class 1 misdemeanor.

6. Fiscal Impact Estimates: Preliminary; see Item 8 below.

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 FY2008 Jail Cost Report (November 1, 2009), the estimated total state support for local and regional jails averaged \$32.66 per state inmate, per day in FY 2008.

9. Specific Agency or Political Subdivisions Affected: Law enforcement agencies statewide, local and regional jails.

10. Technical Amendment Necessary: No.

11. Other Comments: None.

Date: 2/2/2010 dpb/John Crooks

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