

Department of Planning and Budget

2015 Fiscal Impact Statement

1. Bill Number: HB 2321

House of Origin	<input checked="" type="checkbox"/> Introduced	<input type="checkbox"/> Substitute	<input type="checkbox"/> Engrossed
Second House	<input type="checkbox"/> In Committee	<input type="checkbox"/> Substitute	<input type="checkbox"/> Enrolled

2. Patron: LaRock

3. Committee: Courts of Justice

4. Title: Virginia Pain-Capable Unborn Child Protection Act; penalty.

5. Summary: Creates the Virginia Pain-Capable Unborn Child Protection Act. The act prohibits an abortion after 20 weeks gestation unless, in reasonable medical judgment, the mother has a condition that so complicates her medical condition as to necessitate the abortion to avert her death or to avert serious risk of substantial and irreversible physical impairment of a major bodily function. The prohibition is predicated on legislative findings that a fetus is capable of feeling pain at 20 weeks. When an abortion is not prohibited post-20 weeks' gestation, the physician is required to terminate the pregnancy in a manner that would provide the unborn child the best opportunity to survive. The bill punishes an abortion in violation of the act as a Class 6 felony. The bill also provides for civil remedies against a physician who performs an abortion in violation of the act.

6. Budget Amendment Necessary: Indeterminate

7. Fiscal Impact Estimates: Indeterminate, see Item 8.

8. Fiscal Implications: The fiscal impact the bill would have on the Commonwealth cannot be determined. The bill may promulgate a change in regulations, but that will not have a fiscal impact on the state. The bill states that any physician who attempts to perform or induce an abortion shall report to the Department of Health with the correct forms and regulations promulgated by this bill. To capture this additional information, the Office of Vital Records would need to enhance existing screens and create a new report to list the information requested by the bill. The Department of Health has stated that this would require an additional 296 hours and would have a total impact of \$21,864. This amount can be absorbed by the agency and would not require general fund dollars.

Furthermore, there is not enough information available to reliably estimate how many additional inmates in jail could result from this proposal. Ultimately, the presiding judge will decide if there is to be any time served in jail; however, any increase in jail population will increase costs to the state.

The Commonwealth presently pays the localities \$4.00 a day for each misdemeanor or otherwise local responsible prisoner held in a jail and \$12.00 a day for each state responsible inmate. It also funds a considerable portion 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 most recent Jail Cost Report (November 2014), the estimated total state support for local jails averaged \$30.54 per inmate, per day in FY 2013.

Due to the lack of data, the Virginia Criminal Sentencing Commission has concluded that the impact of the proposed legislation on state-responsible (prison) bed space cannot be determined. In such cases, Chapter 3 of the 2014 Acts of Assembly, Special Session I, requires that a minimum impact of \$50,000 be assigned to the bill.

9. Specific Agency or Political Subdivisions Affected: Department of Health, Department of Corrections.

10. Technical Amendment Necessary:

11. Other Comments: