

Department of Planning and Budget

2016 Fiscal Impact Statement

1. Bill Number: HB963

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: Pain-Capable Unborn Child Protection Act; penalty.

5. Summary: Creates the 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. 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 performance of an abortion in violation of the Act as a Class 4 felony. The bill also provides for civil remedies against a physician who performs an abortion in violation of the Act.

6. Budget Amendment Necessary: Yes.

7. Fiscal Impact Estimates: Preliminary, see item #8.

7a. Expenditure Impact:

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Positions</i>	<i>Fund</i>
2016	\$75,200	0	General

8. Fiscal Implications: The total impact this bill will have on the Commonwealth cannot be determined at this time and any fiscal implications are preliminary.

This bill will require the State Registrar to revise the Induced Termination of Pregnancy (ITOP) form and to make changes to the online application where this information is stored. Expenditure estimates are based on the cost of these changes of \$25,200 (280 hours at \$90 per hour).

For someone convicted of a Class 4 felony, a judge has the option of sentencing him to up to 2 to 10 years in prison. Therefore, this proposal could result in an increase in the number of persons sentenced to prison.

Due to the lack of data, the Virginia Criminal Sentencing Commission has concluded, pursuant to §30-19.1:4 of the Code of Virginia, that the impact of the proposed legislation on

state-responsible (prison) bed space cannot be determined. In such cases, Chapter 665 of the 2015 Acts of Assembly requires that a minimum impact of \$50,000 be assigned to the bill.

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

10. Technical Amendment Necessary: No.

11. Other Comments: None.