

Department of Planning and Budget 2016 Fiscal Impact Statement

1. **Bill Number:** HB 1473

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:** Committee Referral Pending

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

5. **Summary:** Creates the Pain-Capable Unborn Child Protection Act (the 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, and if the woman elects to have an abortion, 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:**

7a. Expenditure Impact:

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Positions</i>	<i>Fund</i>
2018	50,000	0	General

8. **Fiscal Implications:** The proposed legislation would create a Class 4 felony offense. For someone convicted of a Class 4 felony, the statutory sentence is 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 780 of the 2016 Acts of Assembly requires that a minimum impact of \$50,000 be assigned to the bill.

9. **Specific Agency or Political Subdivisions Affected:** None.

10. **Technical Amendment Necessary:** No.

11. Other Comments: None.