



Fiscal Impact Statement for Proposed Legislation

Virginia Criminal Sentencing Commission

House Bill No. 1665

(Patron – Marshall)

LD#: 07-2305396

Date: 11/15/2006

Topic: Forced or coerced abortion

Fiscal Impact Summary:

- **State Adult Correctional Facilities:**
Cannot be determined
- **Local Adult Correctional Facilities:**
Cannot be determined
- **Adult Community Corrections Programs:**
Cannot be determined

- **Juvenile Correctional Centers:**
None
- **Juvenile Detention Facilities:**
None

Summary of Proposed Legislation:

The proposal adds § 18.2-71.2 to prohibit any person from forcing or coercing a pregnant female of any age to have an abortion against her will. The proposed crime is a Class 1 misdemeanor. The crime is raised to a Class 6 felony if it is committed by the father or putative father of the unborn child, the pregnant female is under the age of 18 and the father or putative father is 18 years of age or older. In addition, the proposal provides time limitations for a female, having been forced or coerced, to bring civil action and allows her to bring action for the wrongful death of the unborn child as well as on her own behalf.

Analysis:

No convictions under the existing § 18.2-71 can be identified in Pre/Post-Sentence Investigation data for CY2004-CY2005.

According to the Virginia Department of Health, there were 25,918 induced pregnancy terminations in Virginia in 2004¹. The number of cases in which a pregnant female may have been forced or coerced to have the procedure cannot be determined with existing data.

Impact of Proposed Legislation:

State adult correctional facilities. Because it creates a new felony offense, the proposal may increase the future state-responsible (prison) bed space needs of the Commonwealth. The magnitude of the impact, however, cannot be quantified with existing data.

¹ www.vdh.virginia.gov/VitalEvents04.pdf

Local adult correctional facilities. The proposal may increase local-responsible (jail) bed space needs because it creates a new felony and a new misdemeanor. The magnitude of the impact cannot be quantified with existing data.

Adult community corrections resources. Because the proposal could result in felony convictions and subsequent supervision requirements for an additional number of offenders, the proposal may increase the need for adult community corrections resources. Since the number of cases that may be affected by the proposal cannot be determined, the potential impact on community corrections resources cannot be quantified.

Virginia's sentencing guidelines. As new crimes, convictions under § 18.2-71.2 would not be covered by the sentencing guidelines as the primary (most serious) offense at conviction. If enacted, however, convictions under this statute may augment the guidelines recommendation if a covered offense is the most serious at conviction. No adjustment to the guidelines would be necessary under the proposal.

Juvenile correctional centers. According to the Department of Juvenile Justice (DJJ), the proposal is not expected to increase juvenile correctional center (JCC) bed space needs. However, under the Length of Stay (LOS) guidelines, the minimum length of stay range for the felony provision would be 6 to 12 months.

Juvenile detention facilities. The Department of Juvenile Justice reports that the proposal is not expected to increase the bed space needs of juvenile detention facilities.

Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities and is \$0 for periods of commitment to the custody of the Department of Juvenile Justice.

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