

Department of Planning and Budget 2020 Fiscal Impact Statement

1. Bill Number: HB1484

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

2. Patron: McGuire

3. Committee: Courts of Justice

4. Title: Unborn Child Protection from Dismemberment Abortion Act.

5. Summary: Provides that it is unlawful for any person to purposely perform or attempt to perform a dismemberment abortion, as defined in the bill, and thereby kill an unborn child unless necessary to prevent serious health risk to the mother.

6. Budget Amendment Necessary: Yes. Item 402.

7. Fiscal Impact Estimates: Preliminary. See below.

7a. Expenditure Impact:

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Positions</i>	<i>Fund</i>
2020			
2021	\$50,000	0	General
2022			
2023			
2024			
2025			
2026			

8. Fiscal Implications: The proposed legislation prohibits a physician from performing a dismemberment abortion. Violators are subject to a \$10,000 fine, up to two years in prison, or both. The bill provides a process by which such persons may request a hearing before the state medical board to determine if the abortion was necessary to prevent a serious health risk to the mother. The bill provides for processes by which persons may bring causes of action for civil damages and injunctive relief against a person who performs or attempts to perform such abortion, for the collection of attorney's fees, and for the nondisclosure of the woman's identity.

Violators of this section could be subject to a term of confinement of not more than two years. Therefore, it could result in an increase in the number of people sentenced to jail or prison. There is not enough information available to reliably estimate the increase in jail population as a result of this proposal. Any increase in jail population will increase costs to the state. The Commonwealth currently 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 prisoner. 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. According to the Compensation Board's most recent Jail Cost Report (November 2019), the estimated total state support for local jails averaged \$34.07 per inmate, per day in FY 2018.

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 854, 2019 Acts of Assembly, requires that a minimum impact of \$50,000 be assigned to the bill.

Fines are deposited into the Literary Fund. The amount of any fines collected pursuant to the provisions of this bill is indeterminate at this time.

There is no anticipated fiscal impact on any other state agency as a result of the provisions of this bill.

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

10. Technical Amendment Necessary: No.

11. Other Comments: None.