

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 5887-01
Bill No.: HB 1846
Subject: Abortion; Department of Social Services; Health Care Professionals; Health Departments
Type: Original
Date: March 17, 2014

Bill Summary: This proposal changes the laws regarding the enforcement of abortion laws.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2015	FY 2016	FY 2017
Total Estimated Net Effect on General Revenue Fund	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2015	FY 2016	FY 2017
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 6 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2015	FY 2016	FY 2017
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2015	FY 2016	FY 2017
Total Estimated Net Effect on FTE	0	0	0

Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).

Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2015	FY 2016	FY 2017
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Corrections (DOC)** state the penalty provisions for violations, the component of the bill to have a potential fiscal impact for DOC, is for up to a class D felony. Currently, the DOC cannot predict the number of new commitments which may result from the creation of the offense(s) outlined in this proposal. An increase in commitments depends on utilization by prosecutors and the actual sentences imposed by the court.

If additional persons are sentenced to the custody of the DOC due to the provisions of this legislation, the DOC will incur a corresponding increase of direct offender costs either through incarceration (FY 13 average of \$18.014 per offender, per day, or an annual cost of \$6,575 per inmate) or through supervision provided by the Board of Probation and Prol (FY 13 average of \$5.07 per offender, per day, or an annual cost of \$1,851 per offender).

DOC assumes the narrow scope of the crime will not encompass a large number of offenders. The low felony status of the crime enhances the possibility of plea-bargaining or imposition of a probation sentence and the probability exists that offenders would be charged with a similar, but more serious offence, or that sentences may run concurrent to one another.

The DOC assumes supervision by the DOC through probation or incarceration would result in some additional costs, but it is assumed the impact would be \$0 or a minimal amount that could be absorbed within existing resources.

Officials from the **Office of Prosecution Services (OPS)** assume the proposal will have no measurable fiscal impact on the OPS. The creation of a new crime creates additional responsibilities for county prosecutors which may, in turn, result in additional costs, which are difficult to determine.

Oversight assumes the potential responsibilities imposed on county prosecutors as a result of this proposal, will be absorbable within current funding and staffing levels.

Officials from the **Department of Social Services (DSS) - Children's Division (CD)** state section 188.023.2 is new language and adds the requirement that upon receipt of a report required by section 188.023.1, the DSS shall send a summary of the report made, including all of the facts reported, to the licensed health care professional who made the report. The licensed health care professional who made the report shall include the summary as part of the patient's medical records.

ASSUMPTION (continued)

The proposed changes to this section will not fiscally impact the CD. However, policy would need to be changed to accommodate this new provision. Presently, the CD provides written notification to the mandated reporter making the initial report to the Child Abuse and Neglect Hotline of the conclusion of the investigation. This proposal appears to require the CD, upon receipt of the report, to provide a written summary to the mandated reporter of the information or facts he/she reported for the purpose of maintaining the reported facts/information as part of the patient's medical record. Because this proposed legislation is limited to instances described in 188.023.1, the CD would not anticipate a fiscal impact and would anticipate only a limited programmatic impact.

Officials from the **Department of Health and Senior Services (DHSS)** state there is currently one licensed ambulatory surgical center operated as an abortion facility in the State of Missouri. The requirements of the proposed legislation are not significantly different from current operations. Therefore, the Division of Regulation and Licensure is assuming no fiscal impact.

Officials **Office of State Courts Administrator**, the **Department of Insurance, Financial Institutions and Professional Registration**, and **Office of State Public Defender** each assume the proposal would not fiscally impact their respective agencies.

Officials from the **Office of Attorney General** did not respond to **Oversight's** request for a statement of fiscal impact.

<u>FISCAL IMPACT - State Government</u>	FY 2015 (10 Mo.)	FY 2016	FY 2017
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2015 (10 Mo.)	FY 2016	FY 2017
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

The proposal may have a minimal administrative impact on small business health care providers as copies of certain reports will have to be included in the patient's medical records.

FISCAL DESCRIPTION

The proposed legislation appears to have no direct fiscal impact.

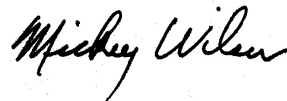
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Corrections
Department of Insurance, Financial Institutions and Professional Registration
Department of Social Services
Office of State Courts Administrator
Office of Prosecution Services
Office of the State Public Defender
St. Louis County

Not Responding:

Office of Attorney General



Mickey Wilson, CPA
Director
March 17, 2014

Ross Strobe
Assistant Director
March 17, 2014

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