

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 0855-01  
Bill No.: HB 182  
Subject: Abortion; Children and Minors; Crimes and Punishment  
Type: Original  
Date: January 30, 2017

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Bill Summary: This proposal prohibits a person from transporting a minor across state lines to obtain an abortion without the consent required by state law.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2018	FY 2019	FY 2020
General Revenue	\$0	(\$21,528)	(\$30,133)
<b>Total Estimated Net Effect on General Revenue</b>	<b>\$0</b>	<b>(\$21,528)</b>	<b>(\$30,133)</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
FUND AFFECTED	FY 2018	FY 2019	FY 2020
<b>Total Estimated Net Effect on <u>Other</u> State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: ( ) indicate costs or losses.

This fiscal note contains 6 pages.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>FY 2020</b>
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)</b>			
<b>FUND AFFECTED</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>FY 2020</b>
<b>Total Estimated Net Effect on FTE</b>	<b>0</b>	<b>0</b>	<b>0</b>

Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$100,000 in any of the three fiscal years after implementation of the act.

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>FY 2020</b>
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

## FISCAL ANALYSIS

### ASSUMPTION

#### **§188.251 - Felony provisions**

Officials from the **Department of Corrections (DOC)** provide the following assumptions related to this proposal:

This legislation proposes the addition of section 188.251 which would prohibit any person from taking a minor across state lines for the purpose of the minor having an abortion without the consent of the parents or guardians of said minor. The penalty for this violation is a class E felony. Other subsections in the new statute pertain to permissible civil actions and those protected from civil or criminal actions (parent/guardian and the female minor). In addition, a non-emancipated minor is not able to give a valid consent.

The legislation proposes a new class E felony. The change in penalty classification reflects the changing felony classes which begins January 1, 2017. Therefore, data on class E felony are not available. In order to provide information on the impact of this legislation, standard impact for new offenses of a class D felony for a nonviolent offense is analyzed. In FY16, class D nonviolent sentences averages 3.6 years. Incarcerated offenders serve 2.3 years in prison and 1.3 years on parole. Average time for probation is 3.0 years. It is estimated, for each year, one offender is sentenced to a prison term while two offenders are given probation in Missouri.

The cumulative impact on DOC, with the passage of HB 182, could result in an additional 2.3 offenders incarcerated and 7.3 persons on probation in FY23.

If this impact statement has changed from statements submitted in previous years, it is because the department's Budget and Research Section reviewed the way responses had been submitted and has developed a more precise way to calculate the impact. In previous years' responses, the full impact of recidivism for parole releases was not adequately calculated. Now we have been able to quantify the fact that some parolees are returned to prison after release and that has been added into the calculation of the impact. The total number of offenders has not changed but there is an assumption that they will spend more time back in prison rather than being on community supervision, which will increase the amount of the impacts.

The FY16 average cost of supervision is \$6.12 per offender per day or an annual cost of \$2,234 per offender. The DOC cost of incarceration is \$16.67 per day or an annual cost of \$6,085 per offender. DOC assumes a 2% annual inflation in costs.

ASSUMPTION (continued)

The DOC would assume this legislation will result in the following long term costs to the General Revenue Fund:

FY18 (Year 1, 10 months)	\$8,794
FY19 (Year 2)	\$21,528
FY20 (Year 3)	\$30,133
FY21 (Year 4)	\$32,159
FY22 (Year 5)	\$32,802
FY23 (Year 6)	\$33,458
FY24 (Year 7)	\$34,127
FY25 (Year 8)	\$34,809
FY26 (Year 9)	\$35,506
FY27 (Year 10)	\$36,216

**Oversight** assumes the DOC would be able to absorb FY18 costs.

For the purpose of this proposed legislation, officials from the **Office of State Public Defender (SPD)** cannot assume that existing staff will provide competent, effective representation for any new cases where indigent persons are charged with the proposed new crime of transporting a minor across a state line with the intention of obtaining an abortion - a new Class E felony.

While the number of new cases (or cases with increased penalties) may be too few or uncertain to request additional funding for this specific bill, the SPD will continue to request sufficient appropriations to provide effective representation in all cases.

**Oversight** assumes the SPD can absorb the additional caseload that may result from this proposal.

Officials from the **Office of Attorney General (AGO)** assume any potential costs arising from this proposal can be absorbed with existing resources. The AGO may seek future additional appropriation if the proposal results in substantial litigation.

Officials from the **Department of Health and Senior Services**, the **Department of Social Services, MO HealthNet Division** and **Division of Legal Services**, the **Missouri Office of Prosecution Services** and the **Office of State Courts Administrator** each assume the proposal would not fiscally impact their respective agencies.

<u>FISCAL IMPACT - State Government</u>	FY 2018 (10 Mo.)	FY 2019	FY 2020
<b>GENERAL REVENUE FUND</b>			
<u>Costs - DOC (§188.251)</u>			
Increase in incarceration/probation costs	<u>\$0</u>	<u>(\$21,528)</u>	<u>(\$30,133)</u>
<b>ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND</b>	<b><u>\$0</u></b>	<b><u>(\$21,528)</u></b>	<b><u>(\$30,133)</u></b>
<u>FISCAL IMPACT - Local Government</u>	FY 2018 (10 Mo.)	FY 2019	FY 2020
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

FISCAL DESCRIPTION

This bill prohibits a person from knowingly transporting a minor across a state line with the intent that such minor obtain an abortion without the consent of the minor's parent or guardian, unless the minor is emancipated or has been granted the right to self-consent or consent via court order, as required under Section 188.028, RSMo. A person who violates these provisions is guilty of a class E felony and must also be civilly liable to the minor and the person or persons required to give consent to an abortion under Missouri law.

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

Office of Attorney General  
Department of Health and Senior Services  
Department of Social Services -  
    MO HealthNet Division  
    Division of Legal Services  
Department of Corrections  
Missouri Office of Prosecution Services  
Office of State Courts Administrator  
Office of State Public Defender



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January 30, 2017

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