

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 5940-01
Bill No.: HB 2159
Subject: Abortion; Children and Minors; Crimes and Punishment
Type: Original
Date: March 27, 2018

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

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2019	FY 2020	FY 2021
General Revenue	\$0	(\$12,660)	(\$12,913)
Total Estimated Net Effect on General Revenue	\$0	(\$12,660)	(\$12,913)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2019	FY 2020	FY 2021
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 2019	FY 2020	FY 2021
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2019	FY 2020	FY 2021
Total Estimated Net Effect on FTE	0	0	0

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

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2019	FY 2020	FY 2021
Local Government	\$0	\$0	\$0

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); an unemancipated minor is not able to give a valid consent.

The legislation proposes a new class E felony. No historical data exists to determine an accurate impact. Impact is given based on a standard estimation for a new nonviolent class E felony. A class E felony results in one person incarcerated and two sent to probation each year. According to FY 17 data, the average sentence is 3.4 years with 2.2 years incarcerated and 1.2 years on parole supervision; the probation term is three years. The full impact of the passage of this proposal occurs in FY 21, with an increase of 2 offenders incarcerated and 7 offenders supervised by probation and parole.

If this impact statement has changed from statements submitted in previous years, it is because the DOC has changed the way probation and parole daily costs are calculated to more accurately reflect the way the Division of Probation and Parole is staffed across the entire state.

In December 2017, the DOC reevaluated the calculation used for computing the Probation and Parole average daily cost of supervision and revised the cost calculation to be used for 2018 fiscal notes. The new calculation estimates the increase/decrease in caseloads at each Probation and Parole district due to the proposed legislative change. For the purposes of fiscal note calculations, the DOC averaged district caseloads across the state and came up with an average caseload of 51 offender cases per officer. The new calculation assumes that an increase/decrease of 51 cases in a district would result in a change in costs/cost avoidance equal to the cost of one FTE staff person in the district. Increases/decreases smaller than 51 offenders are assumed to be absorbable.

ASSUMPTION (continued)

In instances where the proposed legislation would only affect a specific caseload, such as sex offenders, the DOC will use the average caseload figure for that specific type of offender to calculate cost increases/decreases.

The DOC cost of incarceration is \$17.003 per day or an annual cost of \$6,206 per offender. The DOC cost of probation or parole is determined by the number of P&P Officer II positions that would be needed to cover the new caseload.

The DOC would assume this legislation will result in the following long term costs to the General Revenue Fund (assumes a 2% annual inflation in costs):

	# to prison	Cost per year	Total Costs for prison		# to probation & parole	Cost per year	Total cost for probation and parole	Grand Total - Prison and Probation (includes and 2% inflation
Year 1	1	(\$6,206)	(\$5,172)		2	absorbed	\$0	(\$5,172)
Year 2	2	(\$6,206)	(\$12,660)		4	absorbed	\$0	(\$12,660)
Year 3	2	(\$6,206)	(\$12,913)		7	absorbed	\$0	(\$12,913)
Year 4	2	(\$6,206)	(\$13,172)		7	absorbed	\$0	(\$13,172)
Year 5	2	(\$6,206)	(\$13,435)		7	absorbed	\$0	(\$13,435)
Year 6	2	(\$6,206)	(\$13,704)		7	absorbed	\$0	(\$13,704)
Year 7	2	(\$6,206)	(\$13,978)		7	absorbed	\$0	(\$13,978)
Year 8	2	(\$6,206)	(\$14,257)		7	absorbed	\$0	(\$14,257)
Year 9	2	(\$6,206)	(\$14,543)		7	absorbed	\$0	(\$14,543)
Year 10	2	(\$6,206)	(\$14,833)		7	absorbed	\$0	(\$14,833)

Oversight assumes the DOC would be able to absorb FY19 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.

ASSUMPTION (continued)

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 additional appropriations if the proposal results in a significant increase in litigation.

Officials from the **Office of State Courts Administrator (OSCA)** state this proposal may have some impact, but there is no way to quantify that impact at the present time. Any significant changes will be reflected in future budget requests.

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

<u>FISCAL IMPACT - State Government</u>	FY 2019 (10 Mo.)	FY 2020	FY 2021
GENERAL REVENUE FUND			
<u>Costs - DOC (\$188.251)</u>			
Increase in incarceration costs	<u>\$0</u>	<u>(\$12,660)</u>	<u>(\$12,913)</u>
ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND	<u>\$0</u>	<u>(\$12,660)</u>	<u>(\$12,913)</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2019 (10 Mo.)	FY 2020	FY 2021
	<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 Corrections
Department of Social Services
Missouri Office of Prosecution Services
Office of State Courts Administrator
Office of State Public Defender

Ross Strobe



Acting Director
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