

**LEGISLATIVE FISCAL OFFICE**  
**Fiscal Note**



Fiscal Note On: **SB 33** SLS 16RS 83

Bill Text Version: **ENROLLED**

Opp. Chamb. Action:

Proposed Amd.:

Sub. Bill For.:

<b>Date:</b> May 17, 2016	3:08 PM	<b>Author:</b> GATTI
<b>Dept./Agy.:</b> Correction		<b>Analyst:</b> Monique Appeaning
<b>Subject:</b> Aborted Fetal Organs and Body Parts		

CRIME/PUNISHMENT

EN INCREASE GF EX See Note

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Prohibits the harvest, collection, sale, or transport of organs or body parts of aborted babies. (8/1/16)

Proposed law enacts R.S. 14:87.3, relative to the sale and transport of fetal organs and body parts; to prohibit the sale of fetal organs and body parts resulting from an induced abortion; to prohibit the transport of fetal organs and body parts with the intent to engage in a prohibited sale; and provides certain definitions. Proposed law provides that any person who violates the prohibitions contained in proposed law is to be sentenced to a term of imprisonment at hard labor for not less than 10 nor more than 50 years, at least 10 years of which must be served without benefit of probation or suspension of sentence, and may, in addition, be required to pay a fine of not more than \$50,000. Proposed law shall not apply to donations of fetal body parts utilized for stem cell research and umbilical cord blood or existing federal or state law regarding the practice of abortion, or to create or recognize a right to abortion.

<b>EXPENDITURES</b>	<b>2016-17</b>	<b>2017-18</b>	<b>2018-19</b>	<b>2019-20</b>	<b>2020-21</b>	<b>5 -YEAR TOTAL</b>
State Gen. Fd.	INCREASE	INCREASE	INCREASE	INCREASE	INCREASE	
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Ded./Other	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Federal Funds	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Local Funds	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
<b>Annual Total</b>						
<b>REVENUES</b>	<b>2016-17</b>	<b>2017-18</b>	<b>2018-19</b>	<b>2019-20</b>	<b>2020-21</b>	<b>5 -YEAR TOTAL</b>
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Ded./Other	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Federal Funds	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Local Funds	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	
<b>Annual Total</b>						

**EXPENDITURE EXPLANATION**

This legislation may result in an indeterminable increase in SGF expenditures to the Department of Public Safety and Corrections - Corrections Services if a defendant is convicted of the prohibited sale, receipt, or transport of fetal organs and body parts. Proposed law imprisonment terms are hard labor for a minimum of 10 years or maximum of 50 years of which 10 years must be served without the benefit of probation or suspension of sentence.

SGF expenditures will increase by \$51.68 per offender per day if offenders are housed in state facilities and \$24.39 for state offenders housed in local facilities. Offenders sentenced to the custody of the Department of Public Safety and Corrections - Correction Services for one year would increase SGF expenditures by \$18,863 (\$51.68 per day x 365 days) if housed in a state facility and \$8,902 (\$24.39 per day x 365 days) if housed in a local facility. Approximately 50% of state offenders are housed in state facilities and approximately 50% of state offenders are housed in local facilities.

To the extent an offender serves the minimum of ten (10) years, the cost in a state facility would be \$188,630 (1 offender x \$18,863 per year x 10 years) or \$89,020 (1 offender x \$8,902 per year x 10 years) if a state offender is housed in a local facility. To the extent an offender serves the maximum of fifty (50) years, the cost in a state facility would be \$943,150 (1 offender x \$18,863 per year x 50 years) or \$445,100 (1 offender x \$8,902 per year x 50 years) if a state offender is housed in a local facility.

**REVENUE EXPLANATION**

The proposed law may result in an indeterminable increase in local funds revenue as a result of potential fines for harvesting, selling, receiving, acquiring or transporting fetal organs or body parts resulting from an induced abortion. The maximum fine assessed is \$50,000. The potential revenue will accrue to the local governing authority.

Senate Dual Referral Rules House

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|---|--|
| <input type="checkbox"/> 13.5.1 >= \$100,000 Annual Fiscal Cost {S&H}       | <input type="checkbox"/> 6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & S}                    |
| <input type="checkbox"/> 13.5.2 >= \$500,000 Annual Tax or Fee Change {S&H} | <input type="checkbox"/> 6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S} |

*Evan Brasseaux*

**Evan Brasseaux**  
**Staff Director**