

**LEGISLATIVE FISCAL OFFICE**

**Fiscal Note**



Fiscal Note On: **SB 33** SLS 06RS 271  
 Bill Text Version: **ENROLLED**  
 Opp. Chamb. Action:  
 Sub. Bill For.:  
 Proposed Amd.:

<b>Date:</b> June 7, 2006 10:07 AM	<b>Author:</b> NEVERS
<b>Dept./Agy.:</b> Health and Hospitals (DHH)	<b>Analyst:</b> Brian Crow
<b>Subject:</b> Criminalization of abortion	

ABORTION EN SEE FISC NOTE GF EX See Note Page 1 of 2  
 Prohibits abortion, except when necessary to save the life of the mother.

The proposed legislation provides that abortion is the performance of any of the following acts, with the specific intent of causing or abetting the termination of the life of an unborn human being as follows: 1) administering or prescribing any drug, potion, medicine, or any other substance to a pregnant female; or 2) using any instrument or procedure upon a pregnant woman. Proposed law provides penalties for the crime of abortion of imprisonment at hard labor for not less than one nor more than 10 years and a fine of not less than \$10,000 nor more than \$100,000. The proposed legislation provides that these penalties do not apply to a woman seeking an abortion. The bill defines pregnancy, unborn human being, and fertilization. The bill provides exceptions for a physician performing an abortion if performed to prevent the death or substantial risk of death due to a physical condition, or to prevent the serious, permanent impairment of a life sustaining organ of a pregnant woman. The proposed legislation provides that the bill shall become effective immediately upon the occurrence the following: Relative to the appropriation of Medicaid funds, **(Continued Page 2)**

<b>EXPENDITURES</b>	<b>2006-07</b>	<b>2007-08</b>	<b>2008-09</b>	<b>2009-10</b>	<b>2010-11</b>	<b>5 -YEAR TOTAL</b>
State Gen. Fd.	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	
Agy. Self-Gen.	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	
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>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>REVENUES</b>	<b>2006-07</b>	<b>2007-08</b>	<b>2008-09</b>	<b>2009-10</b>	<b>2010-11</b>	<b>5 -YEAR TOTAL</b>
State Gen. Fd.	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	
Agy. Self-Gen.	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	
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>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**EXPENDITURE EXPLANATION**

The expenditures of the Department of Corrections (DOC) would increase by an indeterminable amount as a result of this measure. The bill criminalizes abortion and provides for fines and imprisonment if convicted of such offense. DOC indicates that expenditures could increase by \$22.39 per day per offender (\$8,172/year) sentenced to the custody of the DOC, assuming individuals convicted of this offense would be housed at the local level.

The Department of Health and Hospitals (DHH) indicates that the proposed legislation should have no impact on the Medicaid Program. The proposed legislation shall not become effective until such time that the federal government promulgates an Executive Order or passes a federal statute, regulation, or appropriation rider that does not condition receipt of federal funding to cover the cost of abortion, except to save the life of the mother, or prevent the serious, permanent impairment of of a life sustaining organ, and the reversal of Roe v. Wade by the U.S. Supreme Court, or the adoption of an amendment to the U.S. Constitution authorizing any state to enact laws which prohibit abortion.

The Department of Justice (DOJ) indicates that the proposed legislation could increase the expenditures of the state by an indeterminable amount. Any constitutional challenge brought forth in a criminal proceeding against an individual charged with a violation of the provisions herein will be the responsibility of the local District Attorney's office and handled in the same manner as other criminal cases. Any constitutional challenges brought forth in civil court would be defended by the Attorney General's (AG) office with existing staff and resources or through contract agreements with private attorneys in the event the AG staff lacked expertise to defend such challenges. The amount of funding required for the private attorney contracts will be relative to the number of billable hours required to defend any or all constitutional challenges against the state, the level of appeals, and the duration of such appeals.

The Board of Medical Examiners indicates it is difficult to determine with any degree of certainty the impact the proposed legislation will have on the Board. A physician who has been criminally convicted of a violation pursuant to the legislation would be subject to administrative disciplinary charges under the Medical Practice Act, R.S. 37:1285 (A)(1) and (2), which would allow for the suspension or revocation of the physician's license. Provided all challenges to the criminal conviction are exhausted and the conviction is final, there would be little if any fiscal impact to the Board.

**REVENUE EXPLANATION**

The proposed legislation should have no impact on the federal revenues of DHH as a result of this measure. The Board of Medical Examiners would experience a loss of \$300 for the licensure of each physician that is convicted of the performance of an illegal abortion. The revenue of local government could increase as a result of this measure as it provides for fines of \$10,000 to \$100,000.

<u>Senate</u>	<u>Dual Referral Rules</u>	<u>House</u>
<input type="checkbox"/> 13.5.1 >= \$500,000 Annual Fiscal Cost		<input type="checkbox"/> 6.8(F) >= \$500,000 Annual Fiscal Cost
<input type="checkbox"/> 13.5.2 >= \$500,000 Annual Tax or Fee Change		<input type="checkbox"/> 6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease

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to the extent consistent with any executive order by the President of the United States, federal statute, appropriation rider, or federal regulation that sets forth the limited circumstances in which states must fund abortion to remain eligible to receive federal Medicaid funds, and the occurrence of any of the following: 1) Reversal of Roe v. Wade by the U.S. Supreme Court; and 2) Adoption of an amendment to the U.S. Constitution authorizing any state to enact laws which prohibit abortion.

Senate

Dual Referral Rules

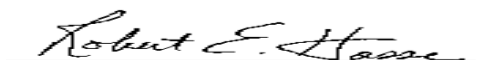
House

13.5.1 >= \$500,000 Annual Fiscal Cost

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13.5.2 >= \$500,000 Annual Tax or Fee Change

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