



**Legislative
Council Staff**

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FISCAL NOTE

Drafting Number:	LLS 18-0729	Date:	February 13, 2018
Prime Sponsors:	Rep. Humphrey Sen. Lundberg	Bill Status:	House Health, Insurance, and Environment
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Bill Topic: PROTECT HUMAN LIFE AT CONCEPTION

Summary of Fiscal Impact:

<input type="checkbox"/> State Revenue	<input type="checkbox"/> TABOR Refund
<input checked="" type="checkbox"/> State Expenditure	<input checked="" type="checkbox"/> Local Government
<input type="checkbox"/> State Transfer	<input type="checkbox"/> Statutory Public Entity

This bill prohibits a licensed physician from performing abortions except in limited circumstances and makes offenses a class 1 felony. The bill increases workload for state courts and local governments and increases expenditures for the Department of Corrections. These impacts are ongoing.

Appropriation Summary: The bill requires five-year appropriations of \$88,288 to the Department of Corrections.

Fiscal Note Status: The fiscal note reflects the introduced bill.

**Table 1
State Fiscal Impacts Under HB 18-1225**

		FY 2018-19	FY 2019-20
Revenue		-	-
Expenditures	General Fund	-	\$22,072
Transfers		-	-

Summary of Legislation

This bill prohibits licensed physicians from performing abortions except:

- when making reasonable medical efforts to preserve both the life of the woman and her unborn child, and an abortion is necessary to preserve the life of the woman; or
- when the physician provides medical treatment to a woman that results in the accidental injury or death of the unborn child.

Offenses under the bill are punishable as a class 1 felony, and a conviction constitutes unprofessional conduct for the purposes of physician licensing.

Background

Federal law requires that state health programs receiving federal funding provide coverage for abortion services if the pregnancy results from rape or incest or if continuing the pregnancy would put the woman's life in danger. Colorado's Medicaid and Children's Health Plan Plus (CHP+) programs are subject to these requirements.

According to the Guttmacher Institute, there were approximately 13,160 abortions performed in Colorado in 2014, the most recent year for which data were available.

The penalty for a class 1 felony is life in prison or death. The average length of stay for a class 1 felony is 480 months, or about 40 years. There is no fine for a class 1 felony; therefore, this bill does not increase state revenue.

State Expenditures

Starting in FY 2018-19, this bill is anticipated to increase workload and state expenditures in the Judicial Department, the Department of Regulatory Agencies, and the Department of Health Care Policy and Financing. Beginning in FY 2019-20, the bill may increase state General Fund expenditures by \$22,072 per year in the Department of Corrections (DOC).

Judicial Department. The bill is anticipated to result in at least one new case filing every five years against licensed physicians, which will increase workload for the trial courts. The expected increase in the courts' workload is minimal and can be accomplished within existing appropriations.

Agencies providing representation to indigent persons. Workload and costs for the Office of the State Public Defender and the Office of the Alternate Defense Counsel will increase under the bill. To the extent this occurs, this analysis assumes the affected offices will request an increase in appropriations through the annual budget process.

Department of Corrections. This bill increases prison bed costs for the DOC by \$22,072 per year, beginning in FY 2019-20. This increase assumes at least one offender will be sentenced to prison for a class 1 felony every 5 years and have an average length of stay of 480 months. The fiscal note assumes no impact will occur in the first year due to the amount of time required for criminal filing, trial, disposition and sentencing of each case. If impacts arise in the first year, this analysis assumes the DOC will request any required appropriations through the annual budget process. Table 2 shows the estimated cost of the bill over the next five fiscal years.

Table 2
Prison Costs Under HB 18-1225

	Inmate Bed Impact	Operating Cost
FY 2018-19	0	\$ -
FY 2019-20	1	\$22,072
FY 2020-21	1	\$22,072
FY 2021-22	1	\$22,072
FY 2022-23	1	\$22,072
Total Cost		\$88,288

Once an offender is released from a correctional facility, he or she is assigned to parole. Because the average length of stay in prison for a class 1 felony is 480 months, no impact to parole is expected in the first five years after the bill's effective date. For additional information about costs in fiscal notes for bills affecting the Department of Corrections, please visit: leg.colorado.gov/fiscalnotes.

Department of Regulatory Agencies. Under the bill, a conviction for providing unauthorized abortion services constitutes unprofessional conduct by a licensed physician. The bill may result in additional complaints or disciplinary procedures for the department. This increase in workload is anticipated to be minimal and will not require an increase in appropriations.

Department of Healthcare Policy and Financing. As described above, Colorado's Medicaid and Children's Health Plan Plus (CHP+) programs are subject to federal requirements mandating that a state provide coverage for abortion services if the pregnancy results from rape or incest or if continuing the pregnancy would put the woman's life in danger. To remain compliant with federal law, the department may be required to transport a woman pregnant as a result of rape or incest to another state to obtain an abortion. As it is unknown how often this will occur, the fiscal impact cannot be determined. The fiscal note assumes such instances are rare, and that the department will not require an increase in appropriations.

Local Government

This bill will increase workload and costs for district attorneys that investigate and prosecute offenses under the bill. Because legal abortions are currently performed by licensed physicians, the fiscal note assumes a high rate of compliance with the provisions of the bill and assumes that any increase in workload for district attorneys will be minimal.

Effective Date

The bill takes effect July 1, 2018, and applies to offenses committed on or after this date.

State Appropriations

The bill requires the five-year appropriations of \$88,288 General Fund to the Department of Corrections, as shown in Table 2, above.

State and Local Government Contacts

Corrections
Judicial

District Attorneys
Regulatory Agencies

Information Technology