



**Colorado  
Legislative  
Council  
Staff**

**HB17-1108**

**FINAL  
FISCAL NOTE**

**FISCAL IMPACT:**  State  Local  Statutory Public Entity  Conditional  No Fiscal Impact

**Drafting Number:** LLS 17-0017 **Date:** June 6, 2017  
**Prime Sponsor(s):** Rep. Humphrey; Ransom **Bill Status:** Postponed Indefinitely  
 Sen. Neville T. **Fiscal Analyst:** Amanda Hayden (303-866-4918)

**BILL TOPIC:** PROTECT HUMAN LIFE AT CONCEPTION

Fiscal Impact Summary	FY 2017-2018	FY 2018-2019
State Revenue		
State Expenditures		<b>\$21,900</b>
General Fund		\$21,900
<b>Appropriation Required:</b> \$87,600 - Department of Corrections (FY 2017-18 - FY 2021-22).		
<b>Future Year Impacts:</b> Ongoing state expenditures increase.		

**NOTE: This bill was not enacted into law; therefore, the impacts identified in this analysis do not take effect.**

**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 Centers for Disease Control and Prevention, there were approximately 10,000 abortions performed in Colorado in 2013, the most recent year for which data were available.

The penalty for a class 1 felony is life in prison or death.

### **State Expenditures**

Starting in FY 2017-18, this bill may 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 2018-19, the bill may increase state General Fund expenditures by \$21,900 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.

**Office of the State Public Defender (OSPD).** In the unlikely event that a licensed physician would be determined to be indigent, workload and costs for the OSPD may increase in order to provide representation. To the extent this occurs, this analysis assumes the OSPD will request additional appropriations through the annual budget process.

**Office of the Alternate Defense Counsel (ADC).** The ADC represents clients when the OSPD has a conflict and, therefore, may incur costs under the bill. These costs have not been estimated but are anticipated to be similar to those described for the OSPD.

**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.

**Five-year fiscal impact on correctional facilities.** This bill is anticipated to increase state General Fund expenditures by an estimated \$21,900 per year beginning in FY 2018-19 for the DOC. This estimate assumes at least one offender will be sentenced to prison for a class 1 felony every five years and have an average length of stay of 480 months. Should additional convictions occur, the fiscal note assumes the DOC will request appropriations through the annual budget process.<sup>1</sup>

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1. For more information regarding bills that impact correctional facilities and parole, please see: [http://leg.colorado.gov/sites/default/files/images/policies\\_for\\_department\\_of\\_corrections\\_impacts.pdf](http://leg.colorado.gov/sites/default/files/images/policies_for_department_of_corrections_impacts.pdf).

Table 1 shows the estimated impact to correctional facilities over the next five fiscal years.

<b>Table 1. Five-Year Fiscal Impact On Correctional Facilities under HB17-1108</b>				
<b>Fiscal Year</b>	<b>Inmate Bed Impact</b>	<b>Construction Cost</b>	<b>Operating Cost</b>	<b>Total Cost</b>
FY 2017-18	0.0*	\$0	\$0	\$0
FY 2018-19	1.0	\$0	\$21,900	\$21,900
FY 2019-20	1.0	\$0	\$21,900	\$21,900
FY 2020-21	1.0	\$0	\$21,900	\$21,900
FY 2021-22	1.0	\$0	\$21,900	\$21,900
<b>Total</b>				<b>\$87,600</b>

\* No impact expected in first year due to time required for criminal filing, trial, disposition, and sentencing.

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.

### **Local Government Impact**

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 was postponed indefinitely by the House Health, Insurance, and Environment Committee on February 9, 2017.

### **State Appropriations**

The bill requires the five-year General Fund appropriations to the Department of Corrections of \$87,600 beginning in FY 2017-18, shown in the table above.

### **State and Local Government Contacts**

Corrections  
Health Care Policy And Financing  
Judicial  
Regulatory Agencies

District Attorneys  
Information Technology  
Public Health And Environment