



The bill would also authorize a county attorney or a spouse, parent, sibling, Attorney General, or guardian of, or a current or former licensed health-care provider of the pregnant woman to seek injunctive relief when a prohibited abortion occurs.

**Part III: Fiscal Explanation, Bill Provisions, and Estimated Cost**

**The fiscal impact of HB 393 on local governments would be minimal.**

According to the Administrative Office of the Courts, over the last five years there have been no convictions for violating KRS 311.780. It is unlikely that abortion providers would be any more prone to violate the provisions of HB 393 than the prior law. Abortion providers are health care professionals who are licensed and regulated under current law and would continue to be licensed and regulated under HB 393.

A violation of HB 393 would constitute a Class D felony for performing an illegal abortion; the bill would create a new Class A misdemeanor for not complying with the reporting requirements.

Local governments are responsible for the cost of incarcerating individuals who are charged with a felony (if they do not make bail) until disposition of the case. While the expense of housing inmates varies by jail, each additional inmate will increase facility costs by an estimated average of \$31.34 per day including medical costs. Most Class D felons are housed in any one of 78 full service jails for the duration of their sentence. Upon sentencing, the state Department of Corrections pays the jails to house these felony offenders at the rate of \$31.34 which matches the estimated average cost.

A person convicted of a Class A misdemeanor can be incarcerated for up to a year in one of Kentucky's 78 jails. Each additional inmate will increase facility costs by an estimated average of \$31.34 per day including medical costs.

**HB 393 could also affect county attorneys. The bill's impact on county attorneys would be minimal.** It would permit, but not require, a county attorney to seek injunctive relief when a prohibited abortion occurs in his or her jurisdiction. Since abortion providers are licensed and regulated health care professionals and since they rarely violate abortion law, it is doubtful that many county attorneys would be required to make the decision whether to seek injunctive relief.

**Data Source(s):** Administrative office of the Courts, LRC Staff, Department of Corrections

**Preparer:** Mary Stephens **Reviewer:** MCY **Date:** 2/20/15