

CORRECTIONS IMPACT STATEMENT

SESSION: 18RS

BILL #: HB 455 Introduced

BR #: 1137

DOC ID#: XXXXX

BILL SPONSOR(S): Rep. M. Prunty, J. Fischer, D. Bentley, K. King, A. Wuchner **AMENDMENT SPONSOR(S):**

SUBJECT: AN ACT to prohibit abortion if the unborn has or may have Down syndrome and declaring an emergency.

SUMMARY OF LEGISLATION: Create new section of KRS Chapter 311 to prohibit an abortion if the pregnant woman is seeking the abortion, in whole or in part, because of a test result indicating Down syndrome in an unborn child, a prenatal diagnosis of Down syndrome in an unborn child, or any other reason to believe that the child has Down syndrome, except in the case of a medical emergency; require physicians to certify a lack of knowledge that the pregnant' s woman intent to seek an abortion was, in whole or in part, because of a test result indicating Down syndrome, a prenatal diagnosis of Down syndrome, or any other reason to believe the unborn child had Down syndrome; require the State Board of Medical Licensure to revoke a physician's license to practice medicine if the physician violates the prohibition; provide that a physician who violates the prohibition is civilly liable; allow for severability; amend KRS 311.595 to allow the State Board of Medical Licensure to suspend or revoke the license of any physician who violates the prohibition; amend KRS 311.990 to provide that a person who violates the prohibition is guilty of a Class D felony; amend KRS 213.101 to conform; amend KRS 413.140 to provide a one-year statute of limitations for civil actions arising from a violation of the prohibition; EMERGENCY.

This bill amendment committee substitute is expected to:

Have the following Corrections impact Have no Corrections impact

- | | |
|--|--|
| <input checked="" type="checkbox"/> Creates new crime(s) | <input type="checkbox"/> Repeals existing crime(s) |
| <input type="checkbox"/> Increases penalty for existing crime(s) | <input type="checkbox"/> Decreases penalty for existing crime(s) |
| <input type="checkbox"/> Increases incarceration | <input type="checkbox"/> Decreases incarceration |
| <input type="checkbox"/> Reduces inmate/offender services | <input type="checkbox"/> Increases inmate/offender services |
| <input type="checkbox"/> Increases staff time or positions | <input type="checkbox"/> Reduces staff time or positions |
| <input type="checkbox"/> Changes elements of offense for existing crime(s) | |
| <input type="checkbox"/> Otherwise impacts incarceration (Explain) _____ | |

STATE IMPACT: Class A, B & C felonies are based on an average daily prison rate of \$70.12. Most Class D felons are housed in one of 76 full service jails for up to 5 years. DOC's cost to incarcerate a felony inmate in a jail is \$31.45 per day (includes jail per diem, medical & central office costs), not including substance abuse treatment. Projections are based on the daily rate x 365 x number of years.

Projected Impact: NONE MODERATE (< \$1 million) SIGNIFICANT (> \$1 million)

The legislation prohibits abortions on a pregnant woman if the person has knowledge that the unborn child may have Down syndrome, except in the case of a medical emergency. The penalty shall be a Class D felony. There is an exemption for the pregnant woman. The legislation requires physicians to certify that females seeking an abortion is not doing so as a result of Down syndrome. Physicians who violate this proposed law may be subject to revocation of license or civil liability.

The legislation also removes KRS 311.780 as a Class D felony, leaving it under KRS 311.990(18) as a Class C felony.

Current AOC data reports there are no convictions for Convicted of Performing Abortion After Viability or related KRS 311 statutes. The Department of Corrections does not currently have any offenders incarcerated or on supervision for criminal offenses relating to abortion.

While there is no way to predict the number of new convictions this provision would generate, it is expected the impact to the Department would be minimal.

A Class D Felony sentence is 1 to 5 years.	10 Class D Felons cost KY \$114,808 to \$574,040
1 Class D Felon costs KY \$11,481 to \$57,404	100 Class D Felons cost KY \$1.1M to \$5.7M

LOCAL IMPACT: Local governments are responsible for the cost of incarcerating individuals charged with Class A or B misdemeanors and felony defendants until disposition of the case. While the expense varies by jail, this estimated impact will be based on \$31.34 per day, which equals the per diem and medical that DOC pays jails to house felony offenders.

Projected Impact: NONE MODERATE (< \$1 million) SIGNIFICANT (> \$1 million)

The following offices contributed to this Corrections Impact Statement:

Dept. of Corrections Dept. of Kentucky State Police Administrative Office of the Courts Parole Board Other

NOTE: Consideration should be given to the cumulative impact of all bills that increase the felon population or that impose new obligations on state or local governments. The Department of Corrections and local jails continue to operate over capacity. Without steps to reduce the population, any legislation that increases population or lengthens the term of incarceration will have a significant impact on correctional operations.

APPROVED BY:



Commissioner, Kentucky Department of Corrections

3/2/2018
Date