

CORRECTIONS IMPACT STATEMENT

SESSION: 19RS BILL # HB 5 HCS BR # 949 DOC ID #: HB000530.100 - 949 - 4605

BILL SPONSOR(S): Rep. M. Prunty, N. Tate, R. Bridges, J. DuPlessis, L. Elkins, J. Fischer, D. Frazier, C. Fugate, M. Hart, R. Huff, S. Lee, S. Maddox, D. Meade, T. Moore, W. Thomas, T. Turner, R. Webber

AMENDMENT SPONSOR(S): . .

SUBJECT: AN ACT relating to the human rights of unborn children to not be discriminated against 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 an unborn child's sex, race, color, national origin, or disability, except in the case of a medical emergency; require physicians to certify a lack of knowledge that the pregnant woman's intent to seek an abortion was, in whole or in part, because of an unborn child's sex, race, color, national origin, or disability; require the State Board of Medical Licensure to revoke a physician's license to practice medicine if the physician violates the prohibition; provide that the Cabinet for Health and Family Services shall revoke the license of any person, including a licensed abortion facility, that 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 311.725, regarding informed consent for abortions, to notify pregnant women of 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.

AMENDMENT: Make technical corrections.

This bill amendment committee substitute is expected to:

Have the following Corrections impact Have no Corrections impact

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| <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) . | |
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STATE IMPACT: Class A, B & C felonies are based on an average daily prison rate of \$71.10. 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 \$32.78 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 MINIMAL to MODERATE (< \$1 million) SIGNIFICANT (> \$1 million)

Section 1 of HB 5, the Human Rights of the Unborn Child and Anti-Discrimination Act, makes it unlawful to knowingly perform or attempt to perform an abortion knowing the pregnant woman is seeking an abortion due to sex, race, color, national origin, or disability diagnosis of the unborn child. There is an exception for a medical emergency.

The legislation includes reporting requirements, licensing provisions, civil liability, severability, and emergency authorization.

Section 2 (KRS 311.595) adds the prohibition contained in this legislation to the list of items that could cause suspension or revocation of medical licensing.

