Local Government Mandate Statement Kentucky Legislative Research Commission 2019 Regular Session

Part I: Measure Information

Bill Request #: 1455
Bill #: SB 227 GA
Document ID #:
Bill Subject/Title: AN ACT relating to abortion and declaring an emergency.
Sponsor: Senator Whitney H. Westerfield
Unit of Government: X City X County X Urban-County Unified Local X Charter County X Consolidated Local X Government
Office(s) Impacted: police officers and jails
Requirement: X Mandatory Optional
Effect on Powers & Duties: X Modifies Existing Adds New Eliminates Existing

Part II: Bill Provisions and the Estimated Fiscal Impact Relating to Local Government

SB 227 GA Section 3 would create a new section of KRS Chapter 311 to prohibit a person from denying an infant born alive nourishment or medically appropriate and reasonable medical care, medical treatment, or surgical care, with the intent to cause death. Section 3 (2)(a) of the bill would require a physician performing an abortion to take all medically appropriate and reasonable steps to preserve the life and health of an infant born alive. Section 3(5) would prohibit use of any infant born alive for scientific research or experimentation unless necessary to preserve the life and health of the infant. Section 1 would define the terms "born alive" and "live birth."

The bill would establish that a physician, nurse, or other healthcare provider who intentionally violates SB 227 GA, Section 3(2) or Section 3(5) is guilty of a Class D felony.

SB 227 GA would have a minimal fiscal impact on local governments. The bill would create 2 new Class D felonies, which could increase work load and personnel demands on local law enforcement, though the likelihood of criminal prosecution and incarceration

under the new felonies is small. The Administrative Office of the Courts reports that from January 1, 2017 to December 31, 2018 there were **no** criminal prosecutions and **no** incarcerations for violations of current abortion laws at KRS 311.723 - 311.787.

However, for those charged under the new statute, when a court denies bail to a Class D felony defendant, the local government is responsible for incarcerating the defendant until disposition of the case in one of Kentucky's 76 full service jails or four life safety jails. While the expense of housing inmates varies by jail, each additional inmate increases facility costs by an estimated average of \$31.34 per day, which equals the per diem and medical expenses that the Department of Corrections pays jails to house felony offenders. Upon sentencing, a Class D felon is housed in one of Kentucky's full service jails for the duration of his or her sentence. The Department of Corrections pays a jail \$31.34 per day to house a D felon. Since the per diem pays for the estimated average cost of housing a Class D felon, the per diem may be less than, equal to, or greater than the actual housing cost.

Part III: Differences to Local Government Mandate Statement from Prior Versions

The LM statement to SB 227 GA is the same as the LM statement to SB 227 as introduced. No substitutes or amendments were adopted when the bill passed the Senate.

Data Source(s): Administrative Office of the Courts; Department of Corrections; LRC

<u>Staff</u>

Preparer: Mary Stephens **Reviewer:** KHC **Date:** 3/5/19