

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: HB 1066 1st Edition
SHORT TITLE: Ban Partial-Birth Abortions
SPONSOR(S): Rep. Michael Decker

FISCAL IMPACT					
	Yes ()	No (X)	No Estimate Available ()		
	<u>FY 1999-00</u>	<u>FY 2000-01</u>	<u>FY 2001-02</u>	<u>FY 2002-03</u>	<u>FY 2003-04</u>
REVENUES					
EXPENDITURES					
POSITIONS:					
PRINCIPAL DEPARTMENT(S) & PROGRAM(S) AFFECTED:	Judicial Branch, Department of Correction				
EFFECTIVE DATE:	December 1, 1999 and applies to offenses committed on or after that date.				

BILL SUMMARY:

BAN PARTIAL-BIRTH ABORTIONS-2. TO BAN PARTIAL-BIRTH ABORTIONS.

Recodifies existing Article 11 of GS Ch. 14 (Abortion and Kindred Offenses) as Part 1, and enacts a new Article 11, Part 2 entitled "Partial-Birth Abortion Ban Act of 1999." Makes it a Class I felony (unless conduct is covered by another law providing greater punishment) for a physician or a person not a physician to perform partial-birth abortion, defined as "an abortion in which the person performing the abortion partially vaginally delivers a living fetus before killing the fetus and completing the delivery." Provides a civil remedy for money damages for the father of the fetus if the father was married to the mother at the time of the abortion, and for the maternal grandparents of the fetus if the mother was under age 18 at the time of the abortion. Civil remedies include money damages for injuries plus statutory damages equal to three times cost of partial-birth abortion. Statute does not apply if the mother's life is endangered by a physical disorder, illness, or injury, procedure is necessary to save the mother's life, and no other medical procedure would suffice for that purpose.

Source: Institute of Government, Daily Bulletin, April 15, 1999.

ASSUMPTIONS AND METHODOLOGY:

Judicial Branch

According to the Administrative Office of the Courts (AOC), “partial birth” abortions are performed very infrequently (on the order of a few hundred nationwide per year). It is believed that the vast majority of the state’s physicians and other health personnel would comply with the bill’s requirements. Therefore, there are very few new cases anticipated as a result of this bill. The Fiscal Research Division believes that any new cases can be absorbed with existing court resources.

Department of Correction

Because of the very low number of anticipated cases that might result in a conviction, the Fiscal Research Division believes that there would not be a fiscal impact on the department and that any impact could be absorbed with current resources.

TECHNICAL CONSIDERATIONS: None

FISCAL RESEARCH DIVISION 733-4910

PREPARED BY: Tammy Lester

APPROVED BY: Tom Covington

DATE: Friday, June 04, 1999



Signed Copy Located in the NCGA Principal Clerk's Offices