

Department of Fiscal Services
Maryland General Assembly

FISCAL NOTE

House Bill 426 (Delegate Owings, *et al.*)
Environmental Matters

Partial-Birth Abortions - Prohibition

This bill prohibits the performance of partial-birth abortions unless necessary to save the life of the mother. Violators are guilty of a misdemeanor and on conviction subject to a fine of \$1,000 or imprisonment for not more than two years, or both. It specifies the parties who can seek relief through civil action against a person who performs a partial-birth abortion and the damages that may be recovered.

Fiscal Summary

State Effect: Potential minimal increase in general fund revenues and expenditures due to the bill's penalty provision.

Local Effect: Potential minimal increase in revenues and expenditures due to the bill's penalty provision.

Small Business Effect: Potential minimal effect on small businesses as discussed below.

Fiscal Analysis

State Revenues: General fund revenues could increase under the bill's monetary penalty provision for those cases heard in the District Court, depending upon the number of convictions and fines imposed.

State Expenditures: General fund expenditures could increase as a result of the bill's incarceration penalty due to more people being committed to a Division of Correction (DOC) facility and increased payments to counties for reimbursement of inmate costs, depending upon the number of convictions and sentences imposed. Persons serving a sentence longer than one year are incarcerated in a DOC facility. In fiscal

1998 the average monthly cost per inmate is estimated at \$1,500.

Persons serving a sentence of one year or less are sentenced to a local detention facility. The State reimburses counties for part of their per diem rate after a person has served 90 days. State per diem reimbursements for fiscal 1998 are estimated to range from \$12 to \$42 per inmate depending upon the jurisdiction. Persons sentenced to such a term in Baltimore City are generally incarcerated in a DOC facility, with an average monthly cost estimated at \$1,500 for fiscal 1998. [The Baltimore City Detention Center (BCDC), a State operated facility, is used primarily for pretrial detentions. The per diem cost for BCDC in fiscal 1998 is estimated at \$43 per inmate.]

Local Revenues: Revenues could increase under the bill's monetary penalty provision for those cases heard in the circuit courts, depending upon the number of convictions and fines imposed.

Local Expenditures: Expenditures could increase as a result of the bill's incarceration penalty depending upon the number of convictions and sentences imposed. Counties pay the full cost of incarceration for people in their facilities for the first 90 days of the sentence, plus part of the per diem cost after 90 days. Per diem operating costs of local detention facilities are expected to range from \$23 to \$83 per inmate in fiscal 1998.

Small Business Effect: Small business health care providers could be adversely affected to the extent that they currently perform partial-birth abortions and are prohibited from doing so, thereby losing revenues and profits. Partial-birth abortions are not commonly performed in Maryland, so any adverse effects are assumed to be minimal.

Information Source(s): Department of Health and Mental Hygiene (Local and Family Health Administration, Health Care Access and Cost Commission); Judiciary (Administrative Office of the Courts); Department of Fiscal Services

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