

Department of Legislative Services
Maryland General Assembly
2000 Session

FISCAL NOTE

Senate Bill 429 (Senators Harris and Mooney)

Judicial Proceedings

Abortion after Viability - Prohibition - Penalties

This bill prohibits a person from performing or inducing an abortion when the fetus is viable unless the procedure is performed to protect the life or health of the woman. Violators are guilty of a felony and subject to maximum penalties of a fine of \$100,000 and/or imprisonment for two to 40 years.

Fiscal Summary

State Effect: Minimal increase in general fund expenditures due to the bill's incarceration penalty. General fund revenues would not be affected because felonies are generally heard in circuit court.

Local Effect: Minimal increase in revenues due to the bill's monetary penalty provision.

Small Business Effect: None.

Analysis

Current Law: Based on the facts of the case and in the best medical judgement of the attending physician, viability means that stage when there is reasonable likelihood of the fetus's sustained survival outside the womb. The State is prohibited from interfering in a woman's decision to terminate a pregnancy: (1) before the fetus is viable; or (2) at any time during the woman's pregnancy if the termination procedure is necessary to protect the life or health of the woman, or if the fetus is afflicted by genetic defect or serious deformity or abnormality. The physician is not liable for civil damages or criminal penalty for the decision to perform an abortion made in good faith and in the physician's best medical judgement in accordance with accepted standards of medical practice. Current law does not

include felony penalty provisions.

State Revenues: General fund revenues will be unaffected because felonies are generally heard in circuit court.

State Expenditures: General fund expenditures could increase minimally as a result of the bill's incarceration penalty due to more people being committed to Division of Correction (DOC) facilities for longer periods of time and increased payments to counties for reimbursement of inmate costs. The number of people convicted of this proposed crime is expected to be minimal.

Persons serving a sentence longer than one year are incarcerated in DOC facilities. Currently, the average total cost per inmate, including overhead, is estimated at \$1,700 per month. This bill alone, however, should not create the need for additional beds, personnel, or facilities. The average variable cost of housing a new DOC inmate (food, medical care, etc.), excluding overhead, is \$260 per month.

Local Revenues: Revenues could increase minimally as a result of the bill's monetary penalty provision from cases heard in the circuit courts.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Public Safety and Correctional Services (Division of Correction), Department of Health and Mental Hygiene (Board of Physician Quality Administration, Community and Public Health Administration, Medical Care Programs Administration), Department of Legislative Services

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