

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: House Bill 303

SHORT TITLE: Ban Partial-Birth Abortions

SPONSOR(S): Representatives Aldridge; Baker, Cansler, Capps, Davis, Decker, Eddins, Hardy, McComas, Rayfield, Sexton, Shubert, Starnes, and Wood.

FISCAL IMPACT

Yes () No (X) No Estimate Available ()

(in millions)

FY 1997-98 FY 1998-99 FY 1999-00 FY 2000-01 FY 2001-02

GENERAL FUND

Correction

No Fiscal Impact

Recurring

Nonrecurring

Judicial

No Fiscal Impact

Recurring

Nonrecurring

TOTAL EXPENDITURES

POSITIONS: It is anticipated that approximately 0 positions would be needed to supervise the additional inmates housed under this bill. This is based on inmate to employee ratios, provided by the Division of Prisons, for close, medium, and minimum custody facilities (These position totals include security, program, and administrative personnel.).

Close – 2 to 1
Medium – 3 to 1
Minimum – 4 to 1

PRINCIPAL DEPARTMENT(S) & PROGRAM(S) AFFECTED: Dept. of Correction; Judicial Branch

EFFECTIVE DATE: December 1, 1997, and applies to offenses committed on or after that date.

BILL SUMMARY: BAN PARTIAL-BIRTH ABORTIONS. TO BAN PARTIAL-BIRTH ABORTIONS. Adds new GS Ch. 14, Art. 11, Part 2, entitled “Partial-Birth Abortion Ban Act of 1997.” Makes it a class I felony for a physician or anyone else to perform a partial-birth abortion and kill the fetus, subject to certain exceptions. Defines a partial-birth abortion as one in which the person performing the abortion partially vaginally delivers a living fetus before killing it. Defines a physician as a licensed doctor of medicine or osteopathy or any other individual legally authorized by the state to perform abortions. Exempts from the criminal law a physician who performs such an abortion if (1) the mother’s life is endangered by a physical disorder, physical illness, or physical injury; (2) the procedure is necessary to save the life of the mother; and (3) no other medical procedure would suffice for that purpose. Expressly prohibits the prosecution of a woman upon whom a partial-birth abortion is performed. Authorizes civil relief (1) for the father of the fetus, if the father was married to the mother when the procedure was performed, and (2) for the maternal grandparents of the fetus, if the mother is under 18. Provides for statutory damages equal to three times the cost of the abortion and for money damages for “all injuries, psychological and physical” caused by the violation. Applies to offense committed on or after Dec.1, 1997.¹

ASSUMPTIONS AND METHODOLOGY:

Judicial Branch

According to the Judicial Branch, “partial birth” abortions are performed very infrequently (on the order of a few hundred nationwide per year). The Judicial Branch’s analysis also believes the vast majority of the State’s physicians would comply with the bill’s requirements. Based on this information, the Judicial Branch assumes this bill would result in few new criminal and civil cases. Any new criminal and civil cases can be absorbed within existing court resources.

Department of Correction

The Sentencing and Advisory Policy Commission does not expect this bill to have an impact on the state prison system. Based on the Judicial Branch’s analysis, the Sentencing Commission notes that if there are any new convictions, they can be absorbed within existing Department of Correction resources.

SOURCES OF DATA: Department of Correction, Judicial Branch; North Carolina Sentencing and Policy Advisory Commission.

TECHNICAL CONSIDERATIONS: None.

FISCAL RESEARCH DIVISION

733-4910

PREPARED BY: Andy Willis

APPROVED BY: Tom L. Covington **TomC**

DATE: March 24, 1997.



Signed Copy Located in the NCGA Principal Clerk's Offices

¹ *Daily Bulletin*, Institute of Government, UNC-Chapel Hill: Vol. 1997, No. 15.