

**FINAL
FISCAL NOTE**

Drafting Number: LLS 13-0427

Date: May 20, 2013

Prime Sponsor(s): Sen. Harvey
Rep. Saine

Bill Status: Postponed Indefinitely

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TITLE: CONCERNING THE PRENATAL SEX NONDISCRIMINATION ACT.

| Fiscal Impact Summary | FY 2013-2014 | FY 2014-2015 |
|--|--------------|--------------|
| State Revenue | | |
| State Expenditures | | |
| General Fund | \$20,816 | \$20,816 |
| FTE Position Change | | |
| Effective Date: The bill was postponed indefinitely by the Senate Judiciary Committee on February 11, 2013. | | |
| Appropriation Summary for FY 2013-2014: See State Appropriations section. | | |
| Local Government Impact: None. | | |

Summary of Legislation

This bill makes performing a sex selection abortion and other related actions a class 2 felony. Specifically, these other actions include coercion of a sex selection abortion, solicitation or acceptance of funds for a sex-selection abortion, or transporting a woman into Colorado to obtain a sex selection abortion. The bill requires the court to sentence an offender to between the minimum and twice the maximum presumptive range for a Class 2 felony. Exceptions are made for saving the life or preserving the health of the unborn child, spontaneous abortion, and removing an ectopic pregnancy.

State Expenditures

Department of Corrections (DOC). This bill is expected to increase state General Fund expenditures in the Department of Corrections (DOC) by \$20,816 in FY 2013-14 and \$20,816 in FY 2014-15. The bill creates a new class 2 felony for any person who violates the new provisions. The fiscal note assumes one prison admission in five years.

Five-Year Fiscal Impact on Correctional Facilities

Current law prohibits the General Assembly from passing any bill to increase periods of imprisonment in state correctional facilities without appropriating an amount sufficient to cover the increased capital construction and operating costs of the bill in each of the first five fiscal years. However, current law also allows the DOC to place offenders classified as medium custody and below in private contract prisons, for which no state capital construction costs are incurred.

Offenders sentenced under this bill to DOC may be placed in either a state-run or a private contract prison, depending on several factors. As state-run facilities are currently at or near capacity, any such offenders that *must* be housed in a state-run prison will likely require a shift of other inmates in that facility to private contract prisons. Therefore, *this fiscal note assumes that the impact of this bill will be accommodated through the use of private contract prisons, and that no new capital construction funds are necessary.*

Offenders placed in a private contract prison cost the state about \$57.03 per offender per day, including the current daily rate of \$52.69 and an estimated \$4.34 per offender per day for medical care provided by the DOC. Table 1 shows the estimated cost of the bill over the next five fiscal years.

| Table 1. Five-Year Fiscal Impact On Correctional Facilities | | | | |
|--|--------------------------|--------------------------|-----------------------|-------------------|
| Fiscal Year | Inmate Bed Impact | Construction Cost | Operating Cost | Total Cost |
| FY 2013-14 | 1.0 | \$0 | \$20,816 | \$20,816 |
| FY 2014-15 | 1.0 | \$0 | \$20,816 | \$20,816 |
| FY 2015-16 | 1.0 | \$0 | \$20,816 | \$20,816 |
| FY 2016-17 | 1.0 | \$0 | \$20,816 | \$20,816 |
| FY 2017-18 | 1.0 | \$0 | \$20,816 | \$20,816 |
| Total | 5.0 | \$0 | \$104,080 | \$104,080 |

Judicial Branch. This bill establishes a new offense for members of the medical and pharmacy professions as well as other individuals who use coercion, solicit or accept funds, or transport a woman to Colorado for purposes of a sex-selection abortion. Any new offense carries with it the potential for additional cases to be filed with the courts. It is anticipated that members of the medical and pharmacy professions will comply with the law, and that any new offenders will be black market providers of sex selection abortions or others involved in the process. The number of cases is anticipated to be minimal, and absorbed within existing resources.

State Appropriations

For FY 2013-14, the Department of Corrections requires a General Fund appropriation of \$20,816.

Departments Contacted

Corrections Law Judicial Branch Regulatory Agencies