



LEGISLATIVE FISCAL OFFICE
Fiscal Note

Fiscal Note On: **SB 276** SLS 24RS 268
 Bill Text Version: **ENGROSSED**
 Opp. Chamb. Action: **w/ HSE FLOOR AMD**
 Proposed Amd.:
 Sub. Bill For.:

| | | |
|---|----------|---------------------------------|
| Date: May 22, 2024 | 11:15 AM | Author: PRESSLY |
| Dept./Agy.: Corrections | | |
| Subject: Criminal Abortion by Means of Fraud | | Analyst: Daniel Druilhet |

CRIME/PUNISHMENT EGF SEE FISC NOTE GF EX Page 1 of 1

Creates the crime of coerced criminal abortion by means of fraud to prohibit a third-party from knowingly using an abortion-inducing drug to cause, or attempt to cause, an abortion on an unsuspecting pregnant mother without her knowledge or Proposed law creates the crime of coerced criminal abortion by means of fraud and that whoever commits this crime shall be imprisoned for no less than 5 nor more than 10 years at hard labor, or fined no less than \$10,000 nor more than \$75,000 or both; provides that whoever commits the crime of coerced criminal abortion by means of fraud when the unborn child is more than 3 months of gestational age, shall be imprisoned for no less than 10 nor more than 20 years at hard labor, or fined not less than \$50,000 nor more than \$100,000, or both; provides that prosecution under the proposed law shall not be a defense against prosecution of any other provision of law, including murder or attempted murder, should an offender violate the proposed law and the use of an abortion-inducing drug results in death or serious bodily injury of the pregnant woman; adds mifepristone and misoprostol and any material, compound, mixture, or preparation containing any detectable quantity of mifepristone or misoprostol to Schedule IV of the Uniform Controlled Dangerous Substances (UCDS) Law and that UCDS Law is inapplicable to pregnant women that possess or consume mifepristone or misoprostol; requires the Board of Pharmacy and LDH to notify all pharmacists and health practitioners of permissible prescription and administration of mifepristone and misoprostol; effective 10/01/24.

| EXPENDITURES | 2024-25 | 2025-26 | 2026-27 | 2027-28 | 2028-29 | 5 -YEAR TOTAL |
|----------------|------------------|------------------|------------------|------------------|------------------|---------------|
| State Gen. Fd. | SEE BELOW | SEE BELOW | SEE BELOW | SEE BELOW | SEE BELOW | |
| Agy. Self-Gen. | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Ded./Other | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Federal Funds | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Local Funds | SEE BELOW | SEE BELOW | SEE BELOW | SEE BELOW | SEE BELOW | |

Annual Total

| REVENUES | 2024-25 | 2025-26 | 2026-27 | 2027-28 | 2028-29 | 5 -YEAR TOTAL |
|----------------|------------------|------------------|------------------|------------------|------------------|---------------|
| State Gen. Fd. | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Agy. Self-Gen. | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Ded./Other | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Federal Funds | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Local Funds | SEE BELOW | SEE BELOW | SEE BELOW | SEE BELOW | SEE BELOW | |

Annual Total

EXPENDITURE EXPLANATION

Proposed law may result in an indeterminable increase in SGF expenditures in the Department of Public Safety and Corrections – Corrections Services (DPS&C – CS) if a person is convicted of coerced criminal abortion by means of fraud, or if a person (other than a pregnant woman) possesses mifepristone or misoprostol. Proposed law assesses a penalty of imprisonment for no less than 5 nor more than 10 years at hard labor for coerced criminal abortion by means of fraud, and assesses an enhanced penalty of imprisonment of no less than 10 nor more than 20 years at hard labor for those convicted of coerced criminal abortion by means of fraud when an unborn child is 3 or more months of gestational age. The exact fiscal impact of the passage of this legislation is indeterminable, because it creates crimes, and it is not known how many people will be convicted and subject to a sentence of imprisonment as a result of its potential enactment.

Additionally, the proposed law adds mifepristone and misoprostol to Schedule IV of the Uniform Controlled Dangerous Substances Law, which assesses a penalty of imprisonment of no less than one year nor more than 5 years, with or without hard labor, or a fine of no more than \$5,000, for those who possess mifepristone or misoprostol (other than pregnant women who use it for consumption). Proposed law is a relative felony, and any impact on either local or state expenditures is contingent on whether offenders sustain either misdemeanor or felony-grade convictions.

For illustrative purposes, SGF expenditures will increase by \$107.60 per offender per day to the extent that an offender is convicted, sentenced, and then subsequently housed in a state facility or \$26.39 per offender per day for an offender housed in a local facility. Corrections Services reports that impacts on offender populations are anticipated to affect the number of offenders held in local facilities. Corrections Services reports that in managing its offender population, it seeks to fill all beds in state facilities first, then assigns overflow offenders to local facilities.

To the extent that an offender sustains a misdemeanor conviction for violation of the proposed law, local governing authorities may sustain an increase in Local Funds expenditures. The exact fiscal impact of the passage of this legislation to local governing authorities is indeterminable, since it is not known how many people will be convicted and incarcerated in local facilities, nor the length of the sentences assessed with those convictions as a result of its potential enactment. The maximum imprisonment term is no more than five years at the local level.

REVENUE EXPLANATION

Proposed law may result in an indeterminable increase in local revenues as a result of potential fines for coerced criminal abortion by means of fraud and possession of mifepristone or misoprostol. The exact fiscal impact of the passage of this legislation on local revenue is indeterminable because the fines that would be imposed on those convicted are optional, and the amount of the fines, if imposed, may vary. The potential revenue will accrue to the local governing authority.

Senate Dual Referral Rules
 13.5.1 >= \$100,000 Annual Fiscal Cost {S & H}
 13.5.2 >= \$500,000 Annual Tax or Fee Change {S & H}

House
 6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & S}
 6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S}

Patrice Thomas
 Deputy Fiscal Officer