

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

April 19, 2011

TO: Honorable Byron Cook, Chair, House Committee on State Affairs

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB2555 by Brown (Relating to the regulation of abortion procedures; providing penalties.),
As Introduced

No significant fiscal implication to the State is anticipated.

The bill would amend statute affecting consent to abortion for minors under Chapter 33, Family Code; current procedures allowing judicial bypass would be repealed. The bill would expand the list of offenses punishable by a fine to include knowingly, recklessly, or negligently performing an abortion and intentionally, knowingly, recklessly, or negligently attempting to perform or induce an abortion. The bill would also create a new state jail felony for the offense of intentionally, knowingly, recklessly, or negligently making a fraudulent statement in a certified consent statement under Section 33.0021(a), Family Code as added by the bill. The bill would allow a cause of action for injunctive relief to be brought against certain persons, make certain persons liable for damages in civil actions, and make certain persons liable to the state for civil penalties. The list of prohibited practices under Section 164.052(a), Occupations Code would be amended. Criminal penalties under Section 165.152, Occupations Code would now apply to a violation of Section 170.002, Health and Safety Code.

According to the Office of Court Administration, most judicial bypass cases are resolved by default, without hearing; therefore, removing the bypass provision would not have a significant fiscal impact to the courts. No significant fiscal impact is anticipated for the Department of State Health Services, the Department of Family and Protective Services, or the Texas Medical Board from provisions in the bill affecting those agencies. Expanding the list of behaviors for which a penalty is applied for any criminal offense is expected to result in increased demands upon the correctional resources of counties or of the State due to longer terms of probation, or longer terms of confinement in county jail, state jail or prison. The impact of the bill on correctional populations would depend on how many persons would be affected by the proposed statute. In fiscal year 2010, fewer than 5 individuals were arrested, or placed on community supervision for a criminal offense involving a violation of reporting requirements relating to the abortions performed at an abortion facility. In fiscal year 2010, fewer than 5 individuals were arrested, or admitted to prison for a criminal offense for practicing medicine in violation. Although the number of persons who would be prosecuted under the proposed statute is unknown, it is assumed the number of offenders convicted under this statute would not result in a significant impact on the programs and workload of state corrections agencies or on the demand for resources and services of those agencies.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 302 Office of the Attorney General, 503 Texas Medical Board, 530 Family and Protective Services, Department of, 537 State Health Services, Department of

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