

February 11, 2013

The Honorable Mary Pilcher-Cook, Chairperson  
Senate Committee on Public Health and Welfare  
Statehouse, Room 441-E  
Topeka, Kansas 66612

Dear Senator Pilcher-Cook:

**SUBJECT:** Fiscal Note for SB 141 by Senator Pelcher-Cook, et al.

In accordance with KSA 75-3715a, the following fiscal note concerning SB 141 is respectfully submitted to your committee.

SB 141 would prohibit abortions that are performed solely on account of the sex of the unborn child. The woman, the father, or parents of the woman may seek relief in a civil action. A woman upon whom an abortion is performed would not be prosecuted under SB 141. A first conviction of a violation would be a class A person misdemeanor. A second or subsequent conviction would be a severity level ten, person felony.

According to the Office of Judicial Administration, SB 141 has the potential for increasing the number of cases related to abortions based on gender filed in district and appellate courts. This would increase the time spent by district court and appellate court judicial and non-judicial personnel in processing, researching, and hearing cases. Likewise, the additional cases could also result in the collection of added revenue from docket fees and penalties. However, it is not possible to predict the number of additional court cases that would arise or how complex and time-consuming they would be. Therefore, a precise fiscal effect cannot be determined. In any case, the fiscal effect would most likely be accommodated within the existing schedule of court cases and would not require additional resources.

A prison bed impact statement from the Kansas Sentencing Commission was not available at the time this note was prepared. A revised note will be sent if specific information is provided. Because the bill adds a new felony, there may be some effect on prison capacity. As of January 14, 2013, the available bed capacity was 9,564. Based upon the Kansas Sentencing Commission projections, it is estimated that by the end of FY 2014 and FY 2015 the number of

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inmates will exceed available capacity by 325 beds and 590 beds, respectively. Any fiscal effect associated with SB 141 is not reflected in *The FY 2014 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven J. Anderson", with a long horizontal flourish extending to the right.

Steven J. Anderson, CPA, MBA  
Director of the Budget

cc: Scott Schultz, Sentencing Commission  
Mary Rinehart, Judiciary  
Jeremy Barclay, Corrections