

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 1029 - SB 1257

April 9, 2019

SUMMARY OF ORIGINAL BILL: Creates a Class C felony offense of criminal abortion upon the thirtieth day following an overruling of *Roe v. Wade*, 410 U.S. 113 (1973), as modified by *Planned Parenthood of Southeastern Pennsylvania v. Casey*, 505 U.S. 824 (1992), or adoption of an amendment to the United States Constitution which allows the states to prohibit abortion.

FISCAL IMPACT OF ORIGINAL BILL:

Other Fiscal Impact – Due to the unknown timing of when the newly created felony will take effect, the impact to state incarceration costs cannot be reasonably determined.

SUMMARY OF AMENDMENT (007965): Deletes and replaces language in the bill such that the only substantive change is to require the Attorney General and Reporter to notify the Tennessee Code Commission in writing if a qualifying circumstance to enact the proposed legislation occurs and to specify the thirtieth day following such qualifying circumstance.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- The proposed legislation defines abortion as the use of any instrument, medicine, drug, or any other substance or device with intent to terminate the pregnancy of a woman known to be pregnant with intent other than to increase the probability of a live birth, to preserve the life or health of the child after live birth, or to remove a dead fetus.
- The proposed legislation creates a Class C felony for a person who performs or attempts to perform an abortion. The creation of such an offense is contingent upon the overruling of *Roe v. Wade* as modified by *Planned Parenthood of Southeastern Pennsylvania v. Casey*, or the adoption of an amendment to the United States Constitution which restores the authority for states to prohibit abortion.
- Due to the unknown timing of an overruling of any United States Supreme Court decision or the adoption of an amendment to the United States Constitution that would

HB 1029 - SB 1257

authorize the State of Tennessee to criminalize abortion, a precise impact to state incarceration cannot be reasonably determined.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

/amj