

Fiscal Estimate - 2005 Session

Original
 Updated
 Corrected
 Supplemental

LRB Number 05-4466/1	Introduction Number AB-994
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Description
 Delivery of a controlled substance by a pregnant woman to an unborn child and providing penalties

Fiscal Effect

State:

No State Fiscal Effect
 Indeterminate

<input type="checkbox"/> Increase Existing Appropriations <input type="checkbox"/> Decrease Existing Appropriations <input type="checkbox"/> Create New Appropriations	<input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Decrease Existing Revenues	<input type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Decrease Costs
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Local:

No Local Government Costs
 Indeterminate

1. <input checked="" type="checkbox"/> Increase Costs <input type="checkbox"/> Permissive <input checked="" type="checkbox"/> Mandatory 2. <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	3. <input type="checkbox"/> Increase Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 4. <input type="checkbox"/> Decrease Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	5. Types of Local Government Units Affected <input type="checkbox"/> Towns <input type="checkbox"/> Village <input type="checkbox"/> Cities <input checked="" type="checkbox"/> Counties <input type="checkbox"/> Others <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts
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Fund Sources Affected	Affected Ch. 20 Appropriations
<input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS	

Agency/Prepared By CTS/ Nancy Rottier (608) 267-9733	Authorized Signature Nancy Rottier (608) 267-9733	Date 2/17/2006
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Fiscal Estimate Narratives

CTS 2/20/2006

LRB Number	05-4466/1	Introduction Number	AB-994	Estimate Type	Original
Description Delivery of a controlled substance by a pregnant woman to an unborn child and providing penalties					

Assumptions Used in Arriving at Fiscal Estimate

Current law prohibits the delivery of illegal drugs, with the maximum penalties depending on the type and the amount of the drug involved. "Delivery" is defined as the transfer or attempted transfer of a drug from one person to another. This bill revises the definition of "delivery" so that it includes a transfer of an illegal drug from a pregnant woman to her unborn child.

Current law also prohibits a person from causing the death of an unborn child through reckless conduct or by an act that was intended to cause the death of the unborn child, the woman who was pregnant with the unborn child, or any other person. None of these homicide statutes cover a pregnant woman who causes the death of her unborn child. This bill makes the intentional and reckless homicide statutes applicable to a pregnant woman who uses illegal drugs if the unborn child dies as a result. The maximum penalties for these offenses depend on the state of mind of the person convicted of the offense. (The most severe penalty is for first-degree intentional homicide, which is a Class A felony; the least severe penalty is for second-degree reckless homicide, which is a Class D felony.)

These changes may lead to more criminal proceedings for crimes involving the delivery of drugs from a mother to her unborn child. It is unknown how many criminal cases will be subject to the terms of this bill. Additional proceedings require additional judge, court reporter, court staff and juror time. Felony proceedings generally require additional court appearances and more court hearings than misdemeanors. These costs are borne by both the state and the county. An accurate estimate of the additional costs is impossible with the data available.

Long-Range Fiscal Implications