

## LEGISLATIVE BUDGET BOARD

Austin, Texas

### FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

May 28, 2015

**TO:** Honorable Joe Straus, Speaker of the House, House of Representatives

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB3994** by Morrison (Relating to notice of and consent to an abortion for a minor and associated requirements; amending provisions subject to a criminal penalty.), **As Passed 2nd House**

**No significant fiscal implication to the State is anticipated.**

The bill would change the requirements related to the notice of and consent to an abortion for a minor. The bill would add a civil penalty of not less than \$2,500 and no more than \$10,000 if a person is found in violation of Chapter 33, Family Code. According to the bill, an unemancipated minor does not have the capacity to consent to any action that violates this chapter. The bill would require the Office of the Attorney General (OAG) to enforce this chapter.

The bill would require physicians to use due diligence to confirm identity and age prior to performing an abortion. Further, if an abortion is performed without confirmation of identity and age, the physician is required to report this information to the Department of State Health Services. The bill would require that DSHS report annually the number of those instances.

The bill would prohibit the guardian ad litem appointed for a minor's request of judicial bypass of certain requirements related to consent to abortion from also serving as the minor's attorney. The bill would require the Office of Court Administration (OCA) to annually publish a report of the data submitted by county clerks on each case filed related to a minor seeking judicial bypass of certain requirements related to consent to abortion. The bill would require the physician to report any suspected abuse of the minor (currently only required if committed by certain persons) to a local law enforcement agency and to the Department of Family and Protective Services (DFPS). The bill would require the local law enforcement agency and DFPS to investigate these reports.

Based on the analysis provided by DFPS, the Texas Medical Board, OAG, DSHS and OCA, it is assumed that the provisions of the bill can be implemented within existing state resources. While the additional civil penalty may result in increased revenue to the state, that amount is assumed to not be significant.

#### **Local Government Impact**

The bill would require a local law enforcement agency to investigate and report on alleged abuse to a minor within 24 hours. There may be costs to a local law enforcement agency depending on the number of cases and the agency's resources.

OCA reported that no significant impact to local courts is anticipated.

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

**LBB Staff:** UP, NB, CH, TBo, WP, AG, LR, KVe