

**STATE
FISCAL IMPACT**

Drafting Number: LLS 14-0648	Date: March 24, 2014
Prime Sponsor(s): Rep. Pettersen; Foote Sen. Steadman	Bill Status: House Judiciary
	Fiscal Analyst: Kerry White (303-866-3469)

SHORT TITLE: UNLAWFUL TERMINATION OF PREGNANCY CIVIL DAMAGES

Fiscal Impact Summary*	FY 2014-2015	FY 2015-2016
State Revenue		
State Expenditures General Fund	Minimal workload increase.	
FTE Position Change		
Appropriation Required: None.		

* This summary shows changes from current law under the bill for each fiscal year.

Summary of Legislation

This bill creates a civil cause of action as the sole civil remedy for a woman who suffers an intentionally, knowingly, or recklessly unlawful termination of pregnancy. The standard of proof for establishing liability in such cases is a preponderance of evidence and the bill sets allowable damages as including:

- economic damages, including the cost of treatment and rehabilitation, medical expenses or other monetary losses resulting from the unlawful termination of the pregnancy;
- noneconomic damages, including pain and suffering and disfigurement, among others;
- exemplary damages;
- reasonable attorney fees;
- costs of suit, including expenses for expert witnesses and investigative services; and
- interest.

The bill creates exceptions from liability for the woman for acts related to her own pregnancy and for specified medical personnel. It clarifies that the lack of a criminal action does not prevent the woman from filing for civil relief. All actions must be filed within three years from the date the woman has reason to know that her pregnancy was unlawfully terminated.

It also amends the wrongful death statute to define a person who was born and alive at the time of the act.

Background

Under current law, criminal charges may be filed for unlawful termination of pregnancy, although there have been only two filings between January 1, 2010, and December 31, 2013.

State Expenditures

Overall, this bill is anticipated to increase workload for the trial courts in the Judicial Department by a minimal amount. While the standard of proof for a civil case under this bill is lower than that required of a criminal case, the fiscal note assumes that, based on the low number of criminal cases filed, civil filings will be minimal and no new appropriations are required.

Effective Date

The bill takes effect July 1, 2014, and applies to causes of action accruing on or after this date.

State and Local Government Contacts

Corrections
Judicial

District Attorneys
Regulatory Agencies

Higher Education