

**STATE
FISCAL IMPACT**

Drafting Number: LLS 14-1074	Date: April 22, 2014
Prime Sponsor(s): Rep. Foote; Pettersen Sen. Steadman	Bill Status: House Judiciary
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SHORT TITLE: CIVIL DAMAGES UNLAWFUL TERMINATION OF A PREGNANCY

Fiscal Impact Summary*	FY 2014-2015	FY 2015-2016
State Revenue		
State Expenditures	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 a remedy for a woman who is the victim of an unlawful termination of pregnancy as a result of another person's intentional, knowing, or reckless action. The standard of proof for establishing liability is by a preponderance of the evidence. A woman may recover her own economic damages, her own noneconomic damages, and exemplary damages. The bill clarifies that it does not create liability or permit a cause of action against a health care professional or institution when the woman's consent is granted or implied, or against a woman for acts she engages in with respect to her own pregnancy. A case must be brought forward within three years of the cause of action arising, which is defined as when a woman has reason to know that her pregnancy was unlawfully terminated.

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 on or after this date.

State and Local Government Contacts

Judicial