

# HB 1675-FN - AS INTRODUCED

2020 SESSION

20-2046  
01/04

## HOUSE BILL ***1675-FN***

AN ACT                   relative to the right of any infant born alive to medically appropriate and reasonable care and treatment.

SPONSORS:           Rep. Prudhomme-O'Brien, Rock. 6; Rep. Cordelli, Carr. 4; Rep. Ulery, Hills. 37; Rep. Notter, Hills. 21; Rep. Rice, Hills. 37; Rep. Gould, Hills. 7; Rep. Rooney, Straf. 1; Rep. Katsakiores, Rock. 6; Rep. Hobson, Rock. 35

COMMITTEE:       Judiciary

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### ANALYSIS

This bill establishes the born alive infant protection act. Under this bill, a person shall not deny or deprive an infant of nourishment with the intent to cause or alter the death of an infant during an abortion.

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Explanation:       Matter added to current law appears in ***bold italics***.  
Matter removed from current law appears ~~[in brackets and struckthrough]~~  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

*In the Year of Our Lord Two Thousand Twenty*

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

I. Any born alive infant, including one born in the course of an abortion, shall be treated as a legal person under the laws of this state, with the same rights to medically appropriate and reasonable care and treatment.

1           II. Any health care provider present at the time the infant is born shall take all medically  
2 appropriate and reasonable actions to the preserve the life and health of the born alive infant.

3           132-B:4 Criminal Penalties. Any health care provider who intentionally or knowingly violates  
4 this chapter shall be guilty of a class A felony.

5           132-B:5 Mandatory Reporting. Any health care provider, medical facility, reproductive health  
6 care facility, or employee or volunteer of a medical facility or reproductive health care facility that  
7 has knowledge of a failure to comply with the provisions of this chapter shall immediately report the  
8 failure to an appropriate law enforcement agency.

9           3 Effective Date. This act shall take effect January 1, 2021.

**HB 1675-FN- FISCAL NOTE**  
**AS INTRODUCED**

AN ACT relative to the right of any infant born alive to medically appropriate and reasonable care and treatment.

**FISCAL IMPACT:**    ☒ State                    ☒ County                    ☐ Local                    ☐ None

STATE:	Estimated Increase / (Decrease)			
	FY 2020	FY 2021	FY 2022	FY 2023
<b>Appropriation</b>	\$0	\$0	\$0	\$0
<b>Revenue</b>	\$0	\$0	\$0	\$0
<b>Expenditures</b>	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
<b>Funding Source:</b>	<input checked="" type="checkbox"/> General	<input type="checkbox"/> Education	<input type="checkbox"/> Highway	<input type="checkbox"/> Other

**COUNTY:**

<b>Revenue</b>	\$0	\$0	\$0	\$0
<b>Expenditures</b>	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase

**METHODOLOGY:**

This bill requires any health care provider present at the time an infant is born alive (as defined by the bill) to take all medically appropriate and reasonable actions to preserve the life and health of the infant.

The bill contains penalties that may have an impact on the New Hampshire judicial and correctional systems. There is no method to determine how many charges would be brought as a result of the changes contained in this bill to determine the fiscal impact on expenditures. However, the entities impacted have provided the potential costs associated with these penalties below.

Judicial Branch	FY 2021	FY 2022
Routine Criminal Felony Case	\$484	\$498
Appeals	Varies	Varies
It should be noted that average case cost estimates for FY 2021 and FY 2022 are based on data that is more than ten years old and does not reflect changes to the courts over that same period of time or the impact these changes may have on processing the various case types. An unspecified misdemeanor can be either class A or class B, with the presumption being a class B misdemeanor.		

Judicial Council		
Public Defender Program	Has contract with State to provide services.	Has contract with State to provide services.
Contract Attorney – Felony	\$825/Case	\$825/Case
Assigned Counsel – Felony	\$60/Hour up to \$4,100	\$60/Hour up to \$4,100
It should be noted that a person needs to be found indigent and have the potential of being incarcerated to be eligible for indigent defense services. The majority of indigent cases (approximately 85%) are handled by the public defender program, with the remaining cases going to contract attorneys (14%) or assigned counsel (1%).		
Department of Corrections		
FY 2019 Average Cost of Incarcerating an Individual	\$44,400	\$44,400
FY 2019 Annual Marginal Cost of a General Population Inmate	\$5,071	\$5,071
FY 2019 Average Cost of Supervising an Individual on Parole/Probation	\$576	\$576
NH Association of Counties		
County Prosecution Costs	Indeterminable	Indeterminable
Estimated Average Daily Cost of Incarcerating an Individual	\$105 to \$120	\$105 to \$120

Many offenses are prosecuted by local and county prosecutors. When the Department of Justice has investigative and prosecutorial responsibility or is involved in an appeal, the Department would likely absorb the cost within its existing budget. If the Department needs to prosecute significantly more cases or handle more appeals, then costs may increase by an indeterminable amount.

The Department of Health and Human Services states the bill will have no fiscal impact on that Department.

**AGENCIES CONTACTED:**

Departments of Health and Human Services, Justice, and Corrections, Judicial Branch, and Judicial Council