

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301
Indianapolis, IN 46204
(317) 233-0696
<http://www.in.gov/legislative>

FISCAL IMPACT STATEMENT

LS 6605

BILL NUMBER: HB 1247

NOTE PREPARED: Jan 27, 2006

BILL AMENDED: Jan 26, 2006

SUBJECT: Wrongful Death or Injury of a Child.

FIRST AUTHOR: Rep. Welch

FIRST SPONSOR:

BILL STATUS: CR Adopted - 1st House

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) This bill specifies that the law concerning the wrongful death or injury of a child applies to a fetus that has attained viability. The bill provides that a wrongful death action may not be maintained against a person for: (1) conduct relating to an abortion if the physician in good faith medical judgment believed that the consent of the woman was express or implied; or (2) a lawful medical treatment. The bill also provides that a wrongful death action may not be maintained against a woman for behavior or conduct with respect to her fetus.

Effective Date: July 1, 2006.

Explanation of State Expenditures:

Explanation of State Revenues: *Court Fee Revenue:* If additional civil actions occur, revenue to the state General Fund may increase if court fees are collected. A civil filing fee of \$100 would be assessed when a civil case is filed, 70% of which would be deposited in the state General Fund if the case is filed in a court of record or 55% if the case is filed in a city or town court.

Explanation of Local Expenditures:

Explanation of Local Revenues: *Court Fee Revenue:* If additional civil actions occur, local governments would receive revenue from the following sources. The county general fund would receive 27% of the \$100 filing fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case

is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund.

State Agencies Affected:

Local Agencies Affected: Trial courts, city and town courts.

Information Sources:

Fiscal Analyst: Karen Firestone, 317-234-2106.