

PRISON/JAIL POPULATION COST ESTIMATE STATEMENT

Ninety-Sixth SESSION
2021 South Dakota Legislature

Senate Bill 183

An Act to declare certain contract provisions regarding abortion as deceptive acts or practices.

A prison/jail population cost estimate statement is required for SB183 because including a provision in a contract that would require or compel a woman to have an abortion would become a deceptive act or practice. It would also void any contract that contains such a provision. A violation of this section carries the following penalties:

Dollar Amount of Violation	Penalty
Under \$1,000	Class 1 Misdemeanor
Between \$1,000 and \$100,000	Class 6 Felony
Over \$100,000	Class 5 Felony

This type of provision would generally only occur in a surrogacy contract. Nearly all contracts that include a provision of this nature usually fall in the second category triggering a Class 6 felony.

Currently, there is no data regarding how many contracts with these types of provisions occur within the state. These contracts are often private matters, and there are no published court cases in South Dakota.

Further, the bill would also make these types of contracts void if they do include this type of provision. Thus, it is likely any such contracts that might be occurring would likely cease occurring within the state.

For these reasons, the impact on prison and jail costs is estimated to be negligible.

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