

# **PRISON/JAIL POPULATION COST ESTIMATE STATEMENT**

Ninety-Sixth SESSION  
2021 South Dakota Legislature

## **House Bill 1150**

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An Act to provide definitions regarding the crime of rape.

A prison/jail population cost estimate statement is required for amendment 1150B to HB1150 because the amendment would create a new Class 2 felony for an act of sexual penetration committed if the victim is unaware "of the essential characteristics of the act based upon fraud or misrepresentation." This penalty would prohibit a situation in which the perpetrator obtains the victim's agreement to engage in sexual penetration by concealing an important fact or making a false representation.

Several states, including Alabama, California, Idaho, Michigan, Nebraska, Rhode Island, and Tennessee, have adopted similar provisions regarding rape by fraud or concealment. However, there has not been sufficient time to contact these states to obtain the necessary data for an estimate. Thus, this penalty would likely have an impact on prison and jail costs, but that impact cannot be determined at this time.

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