

PRISON/JAIL POPULATION COST ESTIMATE STATEMENT

Ninety-Seventh Session SESSION
2022 South Dakota Legislature

House Bill 1113

An Act to prohibit threats made with the intent to coerce an abortion and to provide a penalty therefor.

A prison/jail population cost estimate statement is required for HB1113 because the bill would add a new crime for which a Class 5 felony is authorized.

SDCL 22-17-13 currently makes it a Class B felony for any person to threaten to kill or threaten to commit other aggravated crimes against a pregnant mother or someone in the pregnant mother's presence with the intent to cause an abortion, and the threat results in the death of the unborn human being. This bill would:

- Provide non-substantive clarity edits to SDCL 22-17-13 (section 1 of the Act);
- Create a new section making it a Class 5 felony for a person to make the same threat as in SDCL 22-17-13, but with no death of an unborn human resulting from the threat (section 2 of the Act); and
- Distinguish section 2's proposed new crime, from SDCL 22-17-14's criminal prohibition on coercing or compelling an abortion without any aggravated threat (section 3 of the Act).

Estimating the prison and jail cost impact of this new crime is hampered by a lack of comparable provisions in other state and a lack of relevant convictions in this state. While other states prohibit coercion associated with abortions, these prohibitions tend to be against abortion clinics and medical providers, and are not felonies; or the coercion prohibitions are categorized as felonies but focused on a more limited subset of criminal conduct than this bill, such as North Dakota's prohibition on coerced abortions associated with human trafficking. Unified Judicial System data indicates that there has not yet been a conviction for a violation of the two existing abortion coercion prohibitions, SDCL 22-17-13 and 22-17-14.

Therefore, the impact of this bill on the state prison system, along with associated operational and capital costs, is estimated to be negligible.

APPROVED BY: /s/ Reed Holwegner
Director, Legislative Research Council

DATE: 2/2/2022
2022-FI1113A