



2022 South Dakota Legislature

House Bill 1160

HOUSE JUDICIARY ENGROSSED

Introduced by: **Representative Olson**

1 **An Act to clarify bond or pre-trial release upon sobriety program participation.**

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 **Section 1. That § 1-11-20 be AMENDED:**

4 **1-11-20.** The court may condition any bond or pre-trial release upon participation
5 in the 24/7 sobriety program and payment of associated costs and expenses. However,
6 no person may be jailed nor a person's bond or pre-trial release revoked for failure to pay
7 the associated costs and expenses of the program unless a court has found that the person
8 has the present and continued ability to pay the costs of the program. Any costs and
9 expenses of the program not paid by the person prior to the disposition of a criminal case
10 may be imposed upon disposition of the person's case if a court finds the person has the
11 ability to pay the costs of the program.

12 The burden of proof must be consistent with § 23A-27-25.5.