

PRISON/JAIL POPULATION COST ESTIMATE STATEMENT

Ninety-Eighth Session SESSION
2023 South Dakota Legislature

House Bill 1131

An Act to prevent the imposition or enforcement of extreme risk protection orders and to provide a penalty therefor.

A prison/jail population cost estimate statement is required for HB1131 because it would establish a new felony under South Dakota law.

The bill would prohibit any state agency, political subdivision, state or local elected or appointed official, or state or local employee from directly or indirectly enforcing a federal extreme risk protection order against a resident of the state. Further, these entities would be prohibited from accepting any federal funds directly or indirectly conditioned on the creation, imposition, or enforcement of an extreme risk protection order. A violation of the bill would be a Class 6 felony.

An extreme risk protection order, per the bill, would be an order under which an individual, to reduce the risk of physical harm, is required to surrender any firearms or ammunition or is prohibited from owning or possession any firearm or ammunition.

Currently, there are no federal laws, orders, or regulations with the potential to subject a resident of South Dakota to an extreme risk protection order as described in the bill. Further, no federal funds conditioned on the creation, imposition, or enforcement of extreme risk protection orders appear to exist.

As a result, the LRC estimates there will be no impact on the state's prison or jail populations in the next fiscal year. Any future estimate as to the impact of this bill cannot be determined.

APPROVED BY: /s/ Reed Holwegner
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