



2026 South Dakota Legislature

House Bill 1176

Introduced by: **Representative** Pourier

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. No defendant
6 may be jailed, nor a defendant's bond or pre-trial release revoked, for failure to pay the
7 costs and expenses of the program, unless the court finds the defendant has the present
8 and continued ability to pay the costs and expenses of the program. The defendant has
9 the burden of proof to establish to the reasonable satisfaction of the court that the
10 defendant did not willfully fail to pay, or did make a bona fide effort to pay, the costs and
11 expenses of the program.

12 Any costs and expenses of the program not paid by the defendant prior to the
13 disposition of the defendant's criminal case may be imposed upon disposition of the case,
14 if the court finds the defendant has the ability to pay the costs and expenses of the
15 program.