

2026 South Dakota Legislature

House Bill 1176**AMENDMENT 1176B
FOR THE INTRODUCED BILL**

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 § 1-11-18 be AMENDED:**

4 **1-11-18.** There is hereby established in the state treasury the 24/7 sobriety fund.
5 The fund shall be maintained and administered by the Office of the Attorney General to
6 defray costs of operating the 24/7 sobriety program, including purchasing and maintaining
7 equipment and funding support services, and to reimburse counties for the cost and
8 expenses of the program if a court does not find a defendant has the present and
9 continued ability to pay according to section 2 of this Act. The Office of the Attorney
10 General may accept for deposit in the fund money from donations, gifts, grants,
11 participation fees, and user fees or payments. Expenditures from the fund shall be
12 budgeted through the normal budget process. Unexpended funds and interest shall remain
13 in the fund.

14 **Section 2. That § 1-11-20 be AMENDED:**

15 **1-11-20.** The court may condition any bond or pre-trial release upon participation
16 in the 24/7 sobriety program and payment of associated costs and expenses. No defendant
17 may be jailed, nor a defendant's bond or pre-trial release revoked, for failure to pay the
18 costs and expenses of the program, unless the court finds the defendant has the present
19 and continued ability to pay the costs and expenses of the program. The defendant has
20 the burden of proof to establish to the reasonable satisfaction of the court that the
21 defendant did not willfully fail to pay, or did make a bona fide effort to pay, the costs and
22 expenses of the program.

23 Any costs and expenses of the program not paid by the defendant prior to the
24 disposition of the defendant's criminal case may be imposed upon disposition of the case,

- 1 if the court finds the defendant has the ability to pay the costs and expenses of the
- 2 program.

AMENDED