

PRISON/JAIL POPULATION COST ESTIMATE STATEMENT
NINETY-FIRST SESSION
LEGISLATIVE ASSEMBLY 2016

SENATE BILL NO. 58

**AN ACT TO REVISE CERTAIN RESTRICTIONS FOR THE USE OF NIGHT-VISION
EQUIPMENT FOR HUNTING UNDER CERTAIN CONDITIONS.**

A prison or jail impact statement has been requested for Senate Bill 58 because the bill amends provisions regarding night-vision hunting, which may change the number of violations. The bill changes the provision in §41-8-17(2) that allows one guest and a landowner to use artificial light and night-vision equipment on the owner's land, to allowing no more than four guests and a landowner to use artificial light and night-vision. The change also clarifies the type of firearm cartridge allowed for hunting under this provision. Violation of this statute is a Class 2 misdemeanor.

There are over 400,000 hunting licenses, stamps, and tags issued in South Dakota each year. There were 501 arrests and 417 convictions under §41-8-17 between January 1, 2010 and December 31, 2015, averaging about 83 arrests and 69 convictions per year. Each conviction served around 15 days in jail. Of note, the statute has other possible violations, including a prohibition on using a spotlight or other artificial light on a highway, in a field, pasture, woodland, forest, or prairie between sunset and sunrise, except by persons specified in the law. The bill changes only one aspect of the prohibition. Currently, the average arrests and convictions cost approximately \$109,089 per year. Less than one tenth of one percent of hunting license holders will be convicted of a crime under this statute.

However, because this bill proposes a slightly more lenient standard than the current hunting laws and regulations provide, it is the opinion of the LRC that these statutory changes will have little to no impact on prison or jail costs.

Approved: /S/ Jason Hancock
Director, Legislative Research Council

Date: 2/1/16

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