

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

**HOUSE BILL NO. 1064**

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AN ACT TO APPLY CERTAIN PENALTIES REGARDING DAMAGES, TAMPERING,  
AND MALICIOUS ACTS TO CERTAIN RAILROADS THAT CARRY PASSENGERS.

A prison and jail impact statement has been requested for House Bill 1064 because the bill adds “tourist railroad carriers” to the definition of railroads for the purposes of prosecution for interference with or destruction of railroads.

Under current law, it is a Class 5 or Class 6 felony to interfere with, maliciously destroy, or otherwise maliciously obstruct a railroad. The new law will make it a Class 5 or Class 6 felony for those same crimes carried out against a tourist railroad carrier, such as the 1880 Train in Hill City, SD.

There have been three arrests and one conviction under §§ 49-16A-105 to 49-16A-109, inclusive, from January 1, 2010 to December 31, 2015. The one resulting conviction served no jail or prison time. There are few railroads that qualify under the new addition of the bill. The already low occurrence of these crimes, combined with the minute number of new railroads this would cover, leads the LRC to conclude that there will be little to no jail or prison impact with this bill.

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

Date: 2/1/16