

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

HOUSE BILL NO. 1141

**AN ACT TO LICENSE PERSONS OFFERING APPLIED BEHAVIOR ANALYSIS
SERVICES TO THE PUBLIC.**

A prison or jail impact statement has been requested on HB 1141 because the bill creates a licensing system for behavioral analysts and creates a penalty for practicing without a license. Currently behavioral analysts do not have to be licensed. The penalty for failure to obtaining a license is a Class 2 misdemeanor.

There are dozens of professions licensed in South Dakota. Currently, because behavior analysts are not licensed, we do not have data on how many may be in violation of licensing requirements. However, to examine the potential problem, we obtained statistics on the licensing violations for cosmetologists, architects, marriage counselors, and nurse practitioners from January 1, 2010 to December 31, 2015. Of those, there were no arrests and no convictions. Furthermore, the penalty in this Act is a Class 2 misdemeanor. Its purpose is to enforce compliance with the provisions to which it adheres. This offense could be prosecuted. However, if prosecuted, it will not likely result in a prison or jail sentence. Due to the low occurrence of arrests and convictions in current licensing practices, and the low penalties for a Class 2 misdemeanor, it is the opinion of the LRC that the impact on prison or jail populations is negligible.

Approved: /S/ Jason Hancock

Date: 2/5/16

Director, Legislative Research Council