

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

HOUSE BILL NO. 1027

**AN ACT TO REVISE CERTAIN PROVISIONS REGARDING LICENSURE OF MASSAGE
THERAPISTS.**

A prison or jail impact statement has been requested for House Bill 1027 because the bill expands possible violators of the massage therapy licensure provisions to include the owners and managers of businesses that employ or contract with unlicensed massage therapists.

Under the current statute, any person that engages in the practice of massage or holds him or herself out as a licensed massage therapist without an actual license is guilty of a Class 1 misdemeanor. There was an average of three to four arrests, with an average of two convictions, per year from January 1, 2010 to December 31, 2015. Of those, each defendant spent an average of 25 days in jail. According to the South Dakota Massage Therapy Board, there are around 800 licensed massage therapists in the state each year, making a conviction rate of less than one half percent. While the changes in the law may add more possible violators, the changes only add a small population of owners and managers of massage businesses. When combined with the very low rate of conviction, it is the opinion of the LRC that the prison or jail impact of this bill will be negligible.

Approved: /S/ Jason Hancock

Date: 2/8/16

Director, Legislative Research Council