

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

**HOUSE BILL NO. 1211**

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**AN ACT TO REQUIRE STATEWIDE LIVESTOCK OWNERSHIP INSPECTION.**

A prison or jail impact statement has been requested on HB 1211 due to the Class 1 Misdemeanor penalty in sections 5, 15, 16, 18, 19, 20, 21, 23, and 27. The bill expands the livestock inspection area to consist of the entire state of South Dakota instead of only the current livestock ownership inspection area which includes the area of the state which is west of the Missouri River.

To analyze how this new penalty may affect the jail or prison costs, we looked to §40-20-4 which is the statute that created the Class 1 misdemeanor for any person to remove or authorize the removal of any livestock from any point within the livestock ownership inspection area to any point within one mile of the border with a destination outside the ownership inspection area. There were a total of 17 convictions over the last six years. This is an average of 3 convictions per year. During the six-year period, six violators served jail time with the average jail sentence being 30 days. On an annual basis, it is estimated that there would be one violator serving jail time each year.

All cattle and horses are inspected. The most recent inspection includes roughly 1.4 million livestock. The total amount of livestock in the rest of the state, not currently part of the livestock ownership inspection area, is 970,000. Based on the additional 970,000 livestock that would need to be inspected if this bill were to pass, it can be assumed that there will be a 69% increase in violations. Since the current statistics under §40-20-4 indicate one violator serving jail time each year, we assume that with 970,000 more livestock there will be one more violator serving jail time. With the violators serving an average jail time of 30 days in jail at a cost of \$105.40 per day the estimated annual impact on one additional violator is \$3,162. The estimated impact over a ten-year period is \$31,620. There is no impact on prison costs.

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

Date: 2/17/16