

**PRISON/JAIL POPULATION COST ESTIMATE STATEMENT**  
NINETY-SECOND SESSION  
LEGISLATIVE ASSEMBLY 2017

**HOUSE BILL NO. 1099**

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AN ACT TO REQUIRE A SENTENCE OF LIFE IMPRISONMENT FOR CERTAIN  
PERSONS WITH SEVERE MENTAL ILLNESS AND TO PROVIDE FOR A  
DETERMINATION OF SEVERE MENTAL ILLNESS IN THOSE CASES.

A prison/jail population cost estimate statement has been requested on HB1099 due to changing sentencing guidelines for individuals with a severe mental illness with a significantly impaired capacity at the time the offense was committed. Under HB 1099 a person with a severe mental illness cannot be sentenced to death.

Current United States Supreme Court opinions prohibit sentencing insane persons (*Ford v. Wainwright*, 477 U.S. 399, 410 (1986)) and persons with intellectual disabilities (*Atkins v. Virginia*, 536 U.S. 304, 321 (2002)) to death.

The penalty in this Act is preexisting and the parameters conform South Dakota Law to existing United States Supreme Court opinions. For that reason there is no impact on prison or jail populations.

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

Date: 1/26/17