

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

**HOUSE BILL NO. 1101**

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**AN ACT TO INCREASE THE PENALTY FOR PERFORMING AN ABORTION OF AN  
UNBORN CHILD CAPABLE OF FEELING PAIN.**

A prison/jail population cost estimate statement has been requested on HB1101 due to increasing the penalty of SDCL 34-23A-69 from a Class 1 misdemeanor to a Class 6 felony.

SDCL 34-23A-69 was enacted by the 2016 Legislature, and has resulted in no charges or convictions since its enactment. There are two other abortion-related felonies in the code, one for knowingly and intentionally aborting a fetus based on gender preferences (SDCL 34-23A-64) and one for performing a partial birth abortion (SDCL 34-23A-27). There have been no charges or convictions under either statute.

This Act describes a crime that if prosecuted could result in a prison or jail sentence. However, based on the low occurrence of abortion violations in South Dakota, a violation and prosecution is likely to be rare. Therefore it is the opinion of the Legislative Research Council that the impact of HB 1101 on prison or jail populations is estimated to be negligible.

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

Date: 1/27/2017