

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

**SENATE BILL NO. 136**

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**AN ACT TO PERMIT AND REGULATE THE PRACTICE OF LICENSED CERTIFIED  
PROFESSIONAL MIDWIVES.**

A prison/jail population cost estimate statement has been requested on SB136 due to the creation of a new licensing structure for certified professional midwives, with a Class 1 misdemeanor penalty for practicing without a license.

Currently, certified professional midwives are not licensed in South Dakota. However, nurse midwives, like nurse practitioners, are licensed. To analyze how the penalty of SB 136 might affect the jail or prison costs, we looked to SDCL 36-9A-35, the current statute on licensing nurse practitioners and nurse midwives. The section of SB 136 and the current statute for the nurse practitioners and nurse midwives are nearly identical. There were no arrests and no convictions under SDCL 36-9A-35 from January 1, 2011 to December 31, 2016.

Due to the low occurrence of violations under SDCL 36-9A-35, and because this new statute will likely affect fewer individuals, it is the opinion of the Legislative Research Council that SB 136 will have little to no impact on prison or jail costs.

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Approved: /s/ Jason Hancock                      Date: 2/6/17  
Director, Legislative Research Council