

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

HOUSE BILL NO. 1196cb

**AN ACT TO LOWER THE COMPULSORY ATTENDANCE AGE FOR SCHOOL
ATTENDANCE.**

A prison/jail population cost estimate statement has been requested on HB1196cb due to the amendment creating a Class 2 misdemeanor for any person, other than a student, who records a teacher in the classroom without the teacher's consent.

HB 1196cb creates a new crime; however, the crime created draws similarities to SDCL 22-21-1 (trespassing with intent to eavesdrop) which is a Class 1 misdemeanor. SDCL 22-21-1 involves recording a person, in some way, without the person's permission. However, SDCL 22-21-1 involves invading a place in which a person has an expectation of privacy and not a place open to the public, such as a classroom. SDCL 22-21-1, even with the higher Class 1 misdemeanor has resulted in a low number of convictions, five over the last six years.

However, HB 1196cb is more limiting than SDCL 22-21-1 because only a person who is not a student that records a teacher in an elementary or secondary school classroom can be charged for a violation.

This Act describes a crime that if prosecuted could result in a jail sentence. However, a violation and prosecution is likely to be rare and when an offense is prosecuted, it will likely not result in a jail sentence. Therefore, the impact on jail populations is estimated to be low.

Approved: /s/ Jason Hancock Date: 2/13/17

Director, Legislative Research Council