

PRISON/JAIL POPULATION COST ESTIMATE STATEMENT
NINETY-THIRD SESSION
LEGISLATIVE ASSEMBLY 2018

SENATE BILL NO. 93

**AN ACT TO REVISE CERTAIN PROVISIONS REGARDING THE INTENTIONAL
EXPOSURE OF OTHERS TO CERTAIN DISEASES.**

A prison/jail population cost estimate statement is required for SB93 because it creates a Class 3 felony for a person to intentionally expose another person to hepatitis C. Additionally, SB 93 increases the penalty under SDCL 34-23-1 for exposing another person to a venereal disease, from a Class 2 misdemeanor to a Class 1 misdemeanor.

In order to analyze any impact of SB 93, the Legislative Research Council looked for violations of similar statutes. The LRC looked at SDCL 34-23-1 (exposure of another to a venereal disease), SDCL 3-23-14 (violation of chapter 34-23), and SDCL 34-22-18 (refusal to accept diagnosis or treatment or to follow directives); all of which carry a Class 1 misdemeanor penalty. From 2008 to 2017 there were zero charges or convictions under any of the above statutes.

SB 93 describes a crime that if prosecuted could result in a prison or jail sentence. However, due to the lack of convictions under similar South Dakota statutes, a violation and prosecution of SB 93 is likely to be rare. Therefore, the impact on prison or jail populations is estimated to be low.

Approved: Jason Hancock Date: 01/29/2018
Director, Legislative Research Council