

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

HOUSE BILL NO. 1290

AN ACT TO PROVIDE FOR DISCLOSURE OF CERTAIN CONTENTS OF PUBLIC-PRIVATE PARTNERSHIP AGREEMENTS AND TO PROVIDE A PENALTY FOR FAILURE TO DISCLOSE.

A prison/jail population cost estimate statement is required for HB 1290 due to creating a Class 6 felony for failure to disclose the contents of a proposed public-private partnership agreement before the agreement is entered into.

In order to analyze the costs of HB 1290, the Legislative Research Council looked to other criminal penalties in chapter 1-27. SDCL 1-27-1.16 requires that documents related to an item on a governing body's meeting agenda be posted to the governing body's website before the meeting, or the document must be made available at the meeting. In the last ten years, there have been zero convictions under SDCL 1-27-1.16.

Based on a lack of criminal convictions under a similar misdemeanor penalty currently in law, the Legislative Research Council considers the penalty created by HB 1290 to be an administrative penalty. The purpose is to enforce compliance with the provision to which it adheres. For this reason the impact on prison and jail populations is estimated to be negligible.

Approved: /s/ Jason Hancock Date: 2/9/2018

Director, Legislative Research Council