

SENATE CONCURRENT RESOLUTION NO. 8

A CONCURRENT RESOLUTION, Requesting Congress to lawfully change the Medicaid eligibility requirements to give states the option to provide Medicaid services to persons in jail pending disposition.

WHEREAS, a basic principle of the United States judicial system is that citizens charged with a crime are innocent until proven guilty; and

WHEREAS, the United States and South Dakota have determined it is right and appropriate to care for our most vulnerable citizens through the Medicaid program, and county jails are populated by many persons who have serious medical conditions and mental illnesses or who are the parents of small children who qualify for Medicaid benefits; and

WHEREAS, the jail population in the United States is growing faster than the prison population, and approximately two-thirds of the jail population consists of those pending disposition who remain innocent until proven guilty and who are currently not being treated equally to those awaiting trial who obtained bail and were released awaiting adjudication; and

WHEREAS, providing Medicaid services to persons in jail pending disposition will increase the likelihood that the provision of services is continuous once the person reenters the community; and

WHEREAS, section 1905(a)(A) of the Social Security Act prevents South Dakota from providing Medicaid services to persons in jail pending disposition who would otherwise be covered under the Medicaid policies of South Dakota:

NOW, THEREFORE, BE IT RESOLVED, by the Senate of the Ninety-Fourth Legislature of the State of South Dakota, the House of Representatives concurring therein, that the Legislature requests the United States Congress to amend the Social Security Act to allow states to provide Medicaid services to those persons presumed innocent in jail awaiting trial; and

BE IT FURTHER RESOLVED, that the secretary of the senate transmit copies of this resolution to the Speaker and Clerk of the United States House of Representatives, the President and Secretary of the United States Senate, the United States Secretary of Health and Human Services, and to the South Dakota congressional delegation.

Adopted by the Senate,  
Concurred in by the House of Representatives,

February 21, 2019  
March 5, 2019

---

Larry Rhoden  
President of the Senate

---

Kay Johnson  
Secretary of the Senate

---

Steven G. Haugaard  
Speaker of the House

---

Sandra J. Zinter  
Chief Clerk of the House