

PRISON/JAIL POPULATION COST ESTIMATE STATEMENT

Ninety-Fifth SESSION
2020 South Dakota Legislature

House Bill 1047

An Act to revise certain provisions regarding human trafficking.

A prison/jail population cost estimate statement is required for HB1047 because the bill adds purchasing another person to the list of actions that constitutes the crime of human trafficking. Under the current law "[n]o person may recruit, harbor, transports, provide, receive, or obtain, by any means, another person [. . .]." Under § 22-49-2, first degree human trafficking is a Class 2 felony and under § 22-49-3 second degree human trafficking is a Class 4 felony.

HB1047 also provides that consent to performing any act that constitutes human trafficking by a minor or a minor's parent, guardian, or custodian, or a mistake as to a minor's age is not a defense to a charge of first degree human trafficking.

Under the current law, there have been no convictions under §§ 22-49-2 or 22-49-3 in the last ten years. The Legislative Research Council expects that a significant percentage of those who would "purchase" another person under this bill might also be charged with human trafficking based on the actions that are currently prohibited by these laws. Because of the absence of convictions under the current law and because there is some overlap between prohibited acts in current law and the prohibited act added in this bill the Legislative Research Council expects the impact on prison and jail costs to be low.

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