

PRISON/JAIL POPULATION COST ESTIMATE STATEMENT

Ninety-Fifth SESSION
2020 South Dakota Legislature

Senate Bill 151

An Act to define critical infrastructure and revise certain crimes for the trespass or damage to critical infrastructure.

A prison/jail population cost estimate statement is required for SB151 because it criminalizes certain acts that involve the trespassing on, interference with, or tampering or damaging of critical infrastructure.

There are eight states that have enacted similar laws. However, only three of these states (Oklahoma, Iowa, and Louisiana) have had these laws for longer than a year. Oklahoma has not tracked the number of charges or convictions under their law. Iowa reported that one juvenile was charged under their law for trespassing, but the charge was dismissed.

Louisiana has reported that approximately two individuals per year were arrested for misdemeanor trespassing on critical infrastructure. There have been reports of five to ten individuals being convicted under the new felony criminal statute created in 2018, but currently all the convictions are being challenged on constitutional grounds.

As a result, LRC believes that there will be no impact on prison or jail costs in the next year. However, LRC cannot estimate the likelihood of an event or an activity, or the size and scope of such an event or activity, occurring in South Dakota that may result in convictions under these statutes. Therefore, there is the potential for an impact on prison or jail costs in the future, but it is not possible to estimate what that impact would be.

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