

2022 South Dakota Legislature

House Bill 1160**AMENDMENT 1160B FOR THE INTRODUCED BILL**

1 **An Act to clarify bond or pre-trial release upon sobriety program participation.**

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 **Section 1. That § 1-11-20 be AMENDED:**

4 **1-11-20.** The court may condition any bond or pre-trial release upon participation
5 in the 24/7 sobriety program and payment of associated costs and expenses, provided
6 the court finds the defendant has the present and continued ability to pay the costs of the
7 program. A person may not be jailed for the inability to pay the costs of the pre-trial 24/7
8 program. However, no person may be jailed nor a person's bond or pre-trial release
9 revoked for failure to pay the associated costs and expenses of the program unless a court
10 has found that the person has the present and continued ability to pay the costs of the
11 program. Any costs and expenses of the program not paid by the person prior to the
12 disposition of a criminal case may be imposed upon disposition of the person's case if a
13 court finds the person has the ability to pay the costs of the program.

14 The burden of proof must be consistent with § 23A-27-25.5.