

# **PRISON/JAIL POPULATION COST ESTIMATE STATEMENT**

Ninety-Fifth SESSION  
2020 South Dakota Legislature

## **House Bill 1008**

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An Act to legalize the growth and production of industrial hemp and derivative products in the state, and to declare an emergency.

A prison/jail population cost estimate statement is required for HB1008 because the bill would make it a Class 4 felony for a person to possess industrial hemp who does not have an industrial hemp license.

Under SDCL 22-42-1, hemp would likely fall under the definition of marijuana, since under that chapter the definition of marijuana does not distinguish based on the amount of THC. The Legislative Research Council assumes that those who could be charged under this act would likely be charged with possession or distribution of a substantial amount of industrial hemp. Therefore, charges for possession would likely be for possession of more than ten pounds under SDCL 22-42-6 which is a Class 3 felony, or for distribution, or possession with intent to distribute, of one pound or more under SDCL 22-42-7, which is a Class 3 felony.

Because the crime that could be charged under currently law is higher than the crime that could be charged under the bill, the Legislative Research Council finds that there is likely no impact on prison and jail costs.

APPROVED BY: /s/ Jason Hancock  
Director, Legislative Research Council

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