

# State of South Dakota

NINETY-SECOND SESSION  
LEGISLATIVE ASSEMBLY, 2017

428Y0046

## HOUSE BILL NO. 1001

Introduced by: Representatives Johns, Haggar, and Hawley and Senators Cammack, Bolin, Sutton, and White at the request of the Executive Board of the Legislative Research Council

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding prison or jail  
2 population cost estimates.

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

4 Section 1. That § 2-1-19 be amended to read:

5 2-1-19. A prison or jail population cost estimate shall be attached to any bill, amendment,  
6 or measure proposed by ballot initiative with a felony penalty that may impact the state prison  
7 or county jail population. The requirement for a cost estimate includes each bill or amendment  
8 with a felony penalty that increases the period of imprisonment authorized for an existing crime,  
9 that adds a new crime for which imprisonment is authorized, that imposes a minimum or  
10 mandatory minimum term of imprisonment, or that modifies any law governing release of a  
11 prisoner from imprisonment or supervision.

12 The sponsor of the legislation, amendment, or ballot initiative shall request and allow  
13 sufficient time to prepare a cost estimate from the ~~Bureau of Finance and Management~~ or the  
14 Legislative Research Council. The cost estimate shall be completed for a bill before the bill is



1 considered by any standing committee of the Legislature. ~~Any ballot initiative shall have a cost~~  
2 ~~estimate attached to the Attorney General's statement required pursuant to § 12-13-9 or 12-13-~~  
3 ~~25.1.~~

4 Section 2. That chapter 12-13 be amended by adding a NEW SECTION to read:

5 The director of the Legislative Research Council shall prepare a prison or jail cost estimate  
6 for a ballot initiative as requested pursuant to § 2-1-19. The sponsor of the ballot initiative may  
7 only request the cost estimate after the petitions for the ballot initiative have been submitted and  
8 approved by the secretary of state. The cost estimate may not exceed two hundred words. The  
9 director shall file the cost estimate with the sponsor and the secretary of state within sixty days  
10 of the receipt of the request.

11 Section 3. That § 12-13-9 be amended to read:

12 12-13-9. Before the third Tuesday in May, the attorney general shall deliver to the secretary  
13 of state an attorney general's statement for each amendment to the Constitution proposed by the  
14 Legislature, and any referred measure from an odd year. The attorney general's statement for  
15 each referred measure from an even year shall be delivered to the secretary of state before the  
16 second Tuesday in July. The attorney general's statement shall be written by the attorney general  
17 and shall consist of a title, an explanation, and a clear and simple recitation of the effect of a  
18 "Yes" or "No" vote. The title shall be a concise statement of the subject of the proposed  
19 amendment or referred measure authored by the attorney general. The explanation shall be an  
20 objective, clear, and simple summary to educate the voters of the purpose and effect of the  
21 proposed amendment to the Constitution or the referred law. The attorney general shall include  
22 a description of the legal consequences of the proposed amendment or the referred law,  
23 including the likely exposure of the state to liability if the proposed amendment or the referred  
24 law is adopted. The explanation may not exceed two hundred words in length. On the printed

1 ballots, the title shall be followed by the explanation and the explanation shall be followed, if  
2 applicable, by the ~~fiscal impact statement~~ prison or jail population cost estimate prepared  
3 pursuant to § 2-1-20 and then followed by the recitation.