

PRISON/JAIL POPULATION COST ESTIMATE STATEMENT
NINETY-THIRD SESSION
LEGISLATIVE ASSEMBLY 2018

SENATE BILL NO. 64

AN ACT TO REVISE CERTAIN PROVISIONS RELATED TO ATTEMPTED HUMAN
TRAFFICKING IN THE FIRST DEGREE AND TO PROVIDE A PENALTY THEREFOR.

A prison/jail population cost estimate statement is required for SB 64 because the last sentence of the Act treats an attempt to human traffic a minor under SDCL 22-49-2 the same as a completed offense against another person, which would result in a Class 2 felony.

Attempted human trafficking is already a crime under SDCL 22-4-1, but due to the unavailability of useable data, the Legislative Research Council conducted the following analysis.

In the previous ten years, there have been eighteen charges under SDCL 22-49-2, however, none of those charges resulted in a conviction. Between the years of 2012 and 2016, Iowa had twelve charges of human trafficking where the victim was under the age of eighteen. None of the twelve charges resulted in a conviction.

While the attempted violation of SB 64 would result in a felony-level penalty, there have been no convictions for the underlying crime in South Dakota. The Legislative Research Council cannot speculate if any of those eighteen charges would have resulted in a conviction under the language of SB 64. While the changes made by SB 64 may increase the number of offenders under the statute, because there has not been a history of convictions or prison time served, in South Dakota or Iowa, it is the opinion of the Legislative Research Council that additional convictions under SB 64 will be rare, and the impact on prison and jail populations negligible and none, respectively.

Approved: /s/ Jason Hancock
Director, Legislative Research Council

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