

**PRISON/JAIL POPULATION COST ESTIMATE STATEMENT**  
NINETY-SECOND SESSION  
LEGISLATIVE ASSEMBLY 2017

**HOUSE BILL NO. 1118**

---

**AN ACT TO ELIMINATE THE NEED TO PROVE THE USE OF FORCE, FRAUD, OR  
COERCION IN THE HUMAN TRAFFICKING OF MINORS.**

A prison/jail population cost estimate statement has been requested on HB 1118 due to removing an element from the crime of human trafficking if the victim is under the age of eighteen. Currently all forms of human trafficking in SDCL 22-49-2 involve some amount of force, fraud, or coercion in order to satisfy the elements of the crime. However, HB 1118 would remove this requirement if the victim is under the age of eighteen.

In the past six years there were seventeen charges of human trafficking in South Dakota; however, none of those charges resulted in a conviction.

Iowa law removes the requirement of force, fraud, or coercion if the victim is under the age of eighteen and the conduct is human trafficking for commercial sexual activity. Between 2012 and 2016 Iowa had twelve charges of human trafficking. However, even with the removed element of force, these twelve charges resulted in zero convictions.

While the crime of human trafficking brings a felony-level penalty, there were no convictions, and no prison or jail time has been served in South Dakota. The Legislative Research Council cannot speculate why there have been seventeen arrests in South Dakota, but no convictions or prison time served, but federal jurisdiction and other prosecutorial discretion could affect how defendants are charged under this statute. While the changes made by HB 1118 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 HB 1118 will be rare, and the impact on prison and jail populations negligible and none respectively.

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

Date: 1/27/2017