

State of South Dakota

NINETY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2018

396Z0147

SENATE ENGROSSED NO. **SB 155** - 2/21/2018

Introduced by: Senators Maher, Curd, and Ewing and Representatives Barthel and Lesmeister

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the liability of the
2 cost of jail confinement.

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

4 Section 1. That § 24-11-45 be amended to read:

5 24-11-45. A prisoner confined to any jail while serving a sentence is liable for the cost of
6 the prisoner's confinement including room and board charges; medical, dental, optometric, and
7 psychiatric services charges; vocational education training; ~~and~~ chemical dependency treatment
8 charges; and transportation costs as set forth in subdivision 7-12-18(4), where transporting the
9 prisoner is required. If, after considering the prisoner's net income, net worth, number of
10 dependents, and any existing obligations, the judge who sentenced the prisoner to jail
11 determines that the prisoner is unable to pay the full amount at one time, the judge may ~~waive~~
12 ~~all or part of the~~ allow the prisoner to set up a deferred payment plan, not to exceed one year in
13 length, for payment for the costs of the inmate's confinement ~~or waive all or part of the payment~~
14 if the prisoner demonstrates an inability to pay.

15 Section 2. That § 24-11-45.1 be amended to read:



1 24-11-45.1. ~~Whenever~~ If any county pays for the costs of confining a prisoner serving a
2 sentence in a county jail, the county shall have a lien pursuant to chapter 28-14, ~~unless all or part~~
3 ~~of such costs or charges are waived pursuant to § 24-11-45.~~