

**PRISON/JAIL POPULATION COST ESTIMATE STATEMENT**  
NINETY-FOURTH SESSION  
LEGISLATIVE ASSEMBLY 2019

**HOUSE BILL NO. 1193**

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**AN ACT TO PROVIDE A CRIMINAL PENALTY FOR CAUSING AN ABORTION  
AGAINST A PREGNANT MOTHER'S WILL.**

A prison/jail population cost estimate statement is required for HB1193, as it creates a new Class B felony offense for threatening to commit homicide, murder, or manslaughter under chapter 22-16; aggravated assault under SDCL 22-18-1.1; or kidnapping under chapter 22-19 against a pregnant mother or any other person within the pregnant mother's presence with the intent to cause the pregnant mother to undergo an abortion against her will that results in the death of the unborn human.

Offenses under chapter 22-16 range from a Class 3 felony, carrying a penalty of up to fifteen years imprisonment in the state penitentiary and a fine of up to fifty thousand dollars, for vehicular homicide to a Class A felony, carrying a required penalty of death or life imprisonment in the state penitentiary and option to add a fine of up to fifty thousand dollars, for murder in the first degree. Aggravated assault is set forth in SDCL 22-18-1.1 as a Class 3 felony. Kidnapping offenses under chapter 22-19 range from a Class 1 misdemeanor, with a penalty of one year imprisonment in a county jail or two thousand dollars fine, to a Class B felony, carrying a required penalty of life imprisonment in the state penitentiary and an optional to add a fine of up to fifty thousand dollars.

This bill creates a new criminal penalty, and so no direct information is available. HB 1193 describes a crime that if prosecuted could result in a prison or jail sentence. The Legislative Research Council expects that convictions would most likely occur around the crime of human trafficking. However, given the low rate of convictions in this area, the impact on the prison populations is expected to be low, and the impact on jail populations is expected to be zero.

Approved: /S/ Jason Hancock                      Date: February 20, 2019  
Director, Legislative Research Council

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