

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

SENATE BILL NO. 124

**AN ACT TO PROVIDE A FELONY PENALTY FOR CERTAIN VIOLATIONS OF PETITION
CIRCULATION LAWS.**

A prison/jail population cost estimate statement is required on SB124 due to creating a Class 5 felony for any person who knowingly forges or caused to be forged a signature for an initiated measure or referendum, and a Class 5 felony for any person who swears to an affidavit as a petition sponsor and knowingly conspires with any person to commit a forgery under section 1.

In order to analyze the cost of SB 124, the Legislative Research Council looked to other criminal penalties in chapter 2-1. SDCL 2-1-6 contains a Class 1 misdemeanor violation for any person who signs a petition knowing they are not a qualified voter, have already signed the petition, or are signing using another name. SDCL 2-1-10 also contains a Class 1 misdemeanor violation for any person who falsely swears to the verification required of the person who circulates and files the petition. In the last ten years, there have been zero convictions of either SDCL 2-1-6 or 2-1-10.

Based on a lack of criminal convictions under similar misdemeanor penalties currently in law, the Legislative Research Council considers the penalties established by SB 124 to be administrative penalties. The purpose is to enforce compliance with the provision to which they adhere. For this reason, the impact on prison and jail populations is estimated to be negligible.

Approved: /s/ Jason Hancock Date: 2/9/18
Director, Legislative Research Council