

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

HOUSE BILL NO. 1177

**AN ACT TO REQUIRE THE PERFORMANCE OF AN ULTRASOUND PRIOR TO AN
ABORTION.**

A prison/jail population cost estimate statement is required for HB1177, because the bill creates a Class 6 felony for violating SDCL 34-23A-52. The bill revises the requirements under this section, so that a physician or qualified technician must perform an obstetric ultrasound, provide a simultaneous verbal explanation of what is depicted, display the images for the pregnant woman to view, and provide a medical description of the ultrasound images prior to the administration of any anesthesia or medication in preparation for an abortion.

Under SDCL chapter 34-23A, physicians are required to submit to the Department of Health the Report of Induced Abortion Form, a Voluntary and Informed Consent Form for all abortions, and a Parental Notice Form where applicable, and the Department of Health publishes an annual report on Induced Abortion as part of its vital statistics update. In the information collected from physicians for the annual report, 538 of the physician reporting forms indicated that the patient received the opportunity to view the sonogram from the 542 forms received, indicating 4 patients did not receive the opportunity.

While SDCL chapter 34-23A contains various Class 6 felony penalties regarding the actual performance of an abortion, the LRC views that the requirements under HB 1050 are more analogous to administrative penalties contained within the same chapter for providing required information and making required reports. These administrative penalties are Class 2 misdemeanors or civil fines. Also, as the requirement to offer a sonogram resulted in over 99% compliance even in the absence of a penalty, the LRC presumes it is unlikely that physicians or qualified technicians will not comply with the proposed new requirements carrying a penalty under this bill.

HB 1177 describes a crime that if prosecuted could result in a prison or jail sentence. However, a violation and prosecution is likely to be rare. Therefore, the impact on prison or jail populations is estimated to be low.

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

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