

State of South Dakota

NINETY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 2019

947B0736

SENATE CONCURRENT RESOLUTION NO. 8

Introduced by: Senators Steinhauer, Blare, Cronin, Curd, Greenfield (Brock), Heinert, Jensen (Phil), Kennedy, Langer, Maher, Monroe, Nelson, Nesiba, Novstrup, Partridge, Rusch, Schoenbeck, Soholt, Solano, Sutton, Wismer, and Youngberg and Representatives Jensen (Kevin), Bartels, Barthel, Bordeaux, Brunner, Diedrich, Greenfield (Lana), Gross, Howard, Johns, Johnson (David), Lesmeister, Livermont, Marty, Milstead, Otten (Herman), Peterson (Sue), Rasmussen, Reed, Ring, Saba, Smith (Jamie), Steele, Wiese, Willadsen, and York

1 A CONCURRENT RESOLUTION, Requesting Congress to lawfully change the Medicaid
2 eligibility requirements to give states the option to provide Medicaid services to persons in
3 jail pending disposition.

4 WHEREAS, a basic principle of the United States judicial system is that citizens charged
5 with a crime are innocent until proven guilty; and

6 WHEREAS, the United States and South Dakota have determined it is right and appropriate
7 to care for our most vulnerable citizens through the Medicaid program, and county jails are
8 populated by many persons who have serious medical conditions and mental illnesses or who
9 are the parents of small children who qualify for Medicaid benefits; and

10 WHEREAS, the jail population in the United States is growing faster than the prison
11 population, and approximately two-thirds of the jail population consists of those pending
12 disposition who remain innocent until proven guilty and who are currently not being treated



1 equally to those awaiting trial who obtained bail and were released awaiting adjudication; and

2 WHEREAS, providing Medicaid services to persons in jail pending disposition will increase
3 the likelihood that the provision of services is continuous once the person reenters the
4 community; and

5 WHEREAS, section 1905(a)(A) of the Social Security Act prevents South Dakota from
6 providing Medicaid services to persons in jail pending disposition who would otherwise be
7 covered under the Medicaid policies of South Dakota:

8 NOW, THEREFORE, BE IT RESOLVED, by the Senate of the Ninety-Fourth Legislature
9 of the State of South Dakota, the House of Representatives concurring therein, that the
10 Legislature requests the United States Congress to amend the Social Security Act to allow states
11 to provide Medicaid services to those persons presumed innocent in jail awaiting trial; and

12 BE IT FURTHER RESOLVED, that the secretary of the senate transmit copies of this
13 resolution to the Speaker and Clerk of the United States House of Representatives, the President
14 and Secretary of the United States Senate, the United States Secretary of Health and Human
15 Services, and to the South Dakota congressional delegation.