

PRISON/JAIL POPULATION COST ESTIMATE STATEMENT

Ninety-Sixth SESSION
2021 South Dakota Legislature

House Bill 1080

An Act to increase the enhanced penalty for the crime of simple assault.

A prison/jail population cost estimate statement is required for HB1080 due to the enhanced penalty being increased for subsequent convictions under SDCL 22-18-1. Currently any person convicted of a third or subsequent offense receives a Class 6 felony. This bill would make a fourth offense a Class 5 felony and a fifth or subsequent offense a Class 4 felony.

Currently, about 90 convictions in the last ten years have been the second felony conviction; thus, they would trigger the Class 5 felony described in the bill. About 30 convictions in the last ten years have been for three or more felony convictions; thus, they would trigger the Class 4 felony in the bill. Therefore, about nine people per year would be subject to the Class 5 felony and three people per year would be subject to the Class 4 felony.

The average time served in prison for those sent to prison for Class 6 felonies is 256 days, for Class 5 felonies is 533 days, and for Class 4 felonies is 561 days.

Currently under the Class 6 felony, 46% of these sentences are carried out in jail facilities and 54% in minimum security facilities. For Class 5 felonies, the percentage split is 39% for jail facilities and 61% for minimum security facilities. For Class 4 felonies, the percentage split is 24% for jail facilities and 76% for medium-low security facilities.

Individuals serving time for Class 5 felonies are typically housed in minimum security facilities. With an operational cost of \$49.95 per day, the operating cost increase for housing prisoners with two felony convictions, therefore, would be \$69,081 annually or \$875,154 over ten years.

Individuals serving time for Class 4 felonies are typically housed in medium-low security facilities. With an operational cost of \$72.10 per day, the annual operating cost increase for housing prisoners with three or more felony convictions, therefore, would be \$55,210 annually or \$686,141 over ten years.

With a jail facilities cost of \$90.26 per day, the operating cost savings for housing prisoners with two felony convictions would be \$19,135 annually or \$340,190 over ten years. The operating cost savings for housing prisoners with three or more felony convictions would be \$8,575 annually or \$91,433 over ten years.

This would amount to a total prison increase of \$124,291 in the first year and \$1,561,295 over ten years. The savings to jail facilities would be expected to be \$27,710 in the first year and \$431,623 over ten years.

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