

PRISON/JAIL POPULATION COST ESTIMATE STATEMENT

Ninety-Sixth SESSION
2021 South Dakota Legislature

House Bill 1096

An Act to provide a penalty for sexual contact with a minor by a person holding a position of authority.

A prison/jail population cost estimate statement is required for HB1096 because it creates a Class 3 felony for a person in a position of authority to knowingly have sexual contact with a person under the age of 18 that they have authority over.

Currently, SDCL 22-22-7 provides that sexual contact with anyone under the age of 16 is a Class 3 felony. Thus, criminal conduct would be expanded to cover any 16- or 17-year-old who has sexual contact with a person in authority over them.

Under SDCL 22-22-7, 579 individuals have been convicted in the last ten years. Approximately 15% of South Dakotans are between the ages of five and fifteen and the state's population is estimated to be 885,000. That means there are about 132,570 South Dakotans between the ages of five and fifteen, equating to an approximately 0.5% conviction rate based on the total population of persons this age.

About 3% of South Dakotans are 16 or 17 years old, meaning about 12,390 South Dakotans are 16 years old or 17 years old. When applying the 0.5% conviction rate for having sexual contact with a 16- or 17-year-old, there would be about 62 convictions over the next ten years. Adjusted for those that would be in a position of authority, about six people over ten years would be convicted of the Class 3 felony under this bill.

Currently, 12% of these sentences are carried out in jail facilities and 58% in low/medium security facilities.

The average time served in prison for these offenses is currently 1,130 days. Individuals serving time for Class 3 felonies in low/medium security facilities cost \$72.10 per day. The increased operating cost for prisons would be \$244,419 over ten years.

The average time served in jail for these offenses is currently 130 days. With a jail facilities' cost of \$90.26 per day, the increased operating cost would be \$11,734 over ten years.

This would amount to a total prison and jail impact of \$256,153 over ten years.

APPROVED BY: /s/ Reed Holwegner
Director, Legislative Research Council

DATE: 2/9/2021
2021-FI1096A