

PRISON/JAIL POPULATION COST ESTIMATE STATEMENT

Ninety-Sixth SESSION
2021 South Dakota Legislature

Senate Bill 166

An Act to revise provisions regarding hate crimes.

A prison/jail population cost estimate statement is required for SB166 because it would create a Class 6 felony for any person who causes physical injury to another person, defaces any real or personal property of another person, or threatens another person or group based on sexual orientation, gender identity, or identification as a Native American Two-Spirit. According to the Indian Health Service, identification as a Native American Two-Spirit "may now be included in the umbrella of LGBTQ."

SDCL 22-19B-1 currently provides a Class 6 felony for any person who causes physical injury to another person, defaces any real or personal property of another person, or threatens another person or group based on race, ethnicity, religion, ancestry, or national origin. Over the past ten years, there have been three convictions under SDCL 22-19B-1. According to the Uniform Crime Reporting 2019 Hate Crime Statistics Report from the U.S. Department of Justice and the FBI, hate crimes based on sexual orientation and gender identity occur at slightly less than one-fifth of the rate as the five factors already included in current law.

Therefore, it is estimated that the fiscal impact of the bill would be no additional convictions in the first year, and one additional conviction resulting in a prison sentence every twenty years. The estimated time served for a Class 6 non-violent felony is 187 days in a minimum-security facility at a rate of \$49.95 per day. The total estimated prison/jail impact of the bill would be \$0 in the first year and up to \$9,341 every twenty years.

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

DATE: 2/4/2021
2021-FI166A