

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 amendment 1080A to HB1080 because it would allow out-of-state convictions to be counted for the person of receiving the enhanced penalties.

About 21% of South Dakota's population has moved here from out-of-state in the last ten years, and approximately 53% of this group's residence was spent out-of-state. Based on the amendment, about four additional people over the next ten years will receive the Class 5 felony and one additional person over the next ten years will receive the Class 4 felony.

The average time served in prison for those sent to prison for a Class 6 felony conviction is 177.4 days, to their first release. Individuals serving time for these types of offenses are typically housed in minimum security facilities, at a cost of \$44.86 per day. The estimated cost for the first year is zero. The operating cost for housing one additional prisoner is \$7,958 over 10 years.

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.

Additional Cost Due to Amendment

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 would be \$2,767 annually or \$27,672 over 10 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 operating cost increase for housing prisoners with three or more felony convictions would be \$2,199 annually or \$21,990 over ten years.

With jail facilities costing \$90.26 per day, the operating cost savings for housing prisoners with two felony convictions would be \$5,001 annually or \$50,004 over ten years. The operating cost savings for housing prisoners with three or more felony convictions is \$8,575 annually or \$91,433 over ten years.

Overall Cost Including Original Bill and Amendment

This amounts to a total prison increase of \$124,291 in the first year and \$1,629,339 over ten years. The savings to jail facilities is expected to be \$27,710 the first year and \$425,034 over ten years.

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