

PRISON/JAIL POPULATION COST ESTIMATE STATEMENT

Ninety-Sixth SESSION
2021 South Dakota Legislature

House Bill 1081

An Act to increase the penalty for protection order violations.

A prison/jail population cost estimate statement is required for amendment 1081A to HB1081 because it would allow out-of-state convictions to be counted for the person of receiving the enhanced penalties.

According to the US Census Bureau, approximately 3% of South Dakota's population moves to the state annually. Approximately 23% of current offenders have had a prior felony conviction of this nature. This means that about two additional people over ten years would receive the Class 6 felony and one additional person over ten years would receive the Class 5 felony.

The average time served in prison for those sent to prison for Class 6 felonies is 187 days to first release, for Class 5 felonies is 240 days to first release, and for Class 4 felonies is 385 days to first release.

Currently under the Class 6 felony, 22% of these sentences are carried out in jail facilities, 26% in minimum security facilities, and 52% receive probation. For Class 5 felonies, the percentage split is 19% for jail facilities, 29% for minimum security facilities, and 52% for probation. For Class 4 felonies, the percentage split is 15% for jail facilities, 49% for medium-low security facilities, and 36% for probation.

SDCL 22-19A-16 is exempt from presumptive probation; because the data on the number of convictions under that statute shows no repeated felonies, the regular percentage split, including probation, is applied to the additional individuals in this estimate.

Additional Cost Due to Amendment

Individuals serving time for Class 5 and 6 felonies are typically housed in minimum security facilities with an operational cost of \$49.95 per day. Individuals serving time for Class 4 felonies are typically housed in medium-low security facilities with an operational cost of \$72.10 per day. There is no change in operational cost to prison facilities from the additional out-of-state offenders.

With a jail facilities cost of \$90.26 per day, the additional operating savings for facilities would be \$1,083 over ten years.

Overall Cost Including Original Bill and Amendment

Under HB1081 as introduced, the total prison increase was calculated at \$30,450 in the first year and \$218,238 over ten years. The savings to jail facilities would be \$4,784 during the first year and \$70,132 over ten years.

The total cost to prisons for HB1081 with amendment 1081A, therefore, would be \$30,450 for the first year and \$218,238 over ten years. The total savings to jail facilities would \$4,784 for the first year and \$71,215 over ten years.

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