

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 amendment 1096A to HB1096 because it lowers the penalty in the bill from a Class 3 felony to a Class 4 felony for a person in a position of a 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 contract with anyone under the age of 16 is a Class 3 felony. Thus, criminal conduct is being expanded to cover any 16- or 17-year-old who has sexual contact with a person in authority over them.

The change in the penalty should not impact the number of people convicted of this crime. The original analysis found that about six people over ten years would be convicted.

Currently, for Class 4 felonies, 15% of these sentences are carried out in jail facilities and 49% in low/medium security facilities.

The average time served in prison for these offenses is currently 561 days. Individuals serving time for Class 4 felonies in low/medium security facilities cost \$72.10 per day. The increased operating cost for prisons is \$121,344 over ten years.

The average time served in jail for these offenses is currently 79 days. With a jail facilities' cost of \$90.26 per day, the increased operating cost is \$7,131 over ten years.

This amounts to a total prison and jail impact of \$128,475 over ten years.

Under the original bill, the total prison and jail impact was \$256,153 over ten years.

Compared to the original bill, this is a savings of \$127,678 over ten years.

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