

# **PRISON/JAIL POPULATION COST ESTIMATE STATEMENT**

Ninety-Seventh Session  
2022 South Dakota Legislature

## **House Bill 1074**

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An Act to classify vehicular homicide as a crime of violence.

A prison/jail population cost estimate statement is required for HB1074 because the bill would add vehicular homicide as an enumerated crime of violence as defined under SDCL 22-1-2. Further, this change would enhance the amount of time a defendant sentenced under SDCL 22-16-41 must serve before becoming parole eligible.

There were 29 convictions for vehicular homicide from January 1, 2011, to December 31, 2021. Of those 29 convictions, 27 of those were sentenced to prison and 2 were sentenced to jail. For the purposes of this estimate, there is assumed to be three Class 3 felony convictions every year under SDCL 22-16-41 resulting in a penitentiary sentence. There is assumed to be no expected impact on jails.

Of these convictions, the average length of penitentiary sentence is 3,501 days, or 9.59 years. Under the current parole structure, an inmate is eligible for parole after serving 30% of the sentence, or around 2.88 years. Under the new classification, a defendant would have to serve 50% of the sentence as a crime of violence, equaling 4.80 years, before becoming eligible for parole.

Individual serving time for Class 3 felonies in low/medium security facilities cost \$78.26 a day. With an average penitentiary sentence of 9.83 years per defendant, each individual sentenced would cost \$273,988 if incarcerated for the entire sentence.

Due to the nature of parole, it is difficult to calculate exactly how long an inmate will remain incarcerated for purposes of this impact. Therefore, this estimate assumes every inmate would be released on parole at the first available opportunity to establish a minimum difference in time served.

Thus, based on the current parole policy regarding vehicular homicide, inmates would be released after 2.95 years, costing \$82,173 each. Based on the proposed classification of vehicular homicide as a crime of violence, inmates would serve at least 4.92 years of their sentence prior to release on parole, costing \$137,033 each.

Pursuant to the bill, inmates would serve on average at least 700 more days of their sentence before becoming eligible for parole at an additional cost of \$54,860 per inmate.

While the additional cost would not manifest until about three years after this bill would be enacted, over ten years, the total additional cost is expected to be \$1,071,771 assuming parole is granted at the earliest possible time for each inmate. On an annual basis, the additional cost would be \$0 after one year and \$164,346 after five years and ongoing. The estimated prison impact would phase in as follows:

Year	Number of Inmates	Extra Cost
1	3	\$0
2	3	\$0
3	3	\$0
4	3	\$85,695
5	3	\$164,346
6	3	\$164,346
7	3	\$164,346
8	3	\$164,346
9	3	\$164,346
10	3	\$164,346
Total	30	\$1,071,771

If persons were released on parole at second or subsequent opportunities, then the cost would be more than this estimate. The amount of that increase is not readily discernible.

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