

PRISON/JAIL POPULATION COST ESTIMATE STATEMENT

Ninety-Seventh Session
2022 South Dakota Legislature

House Bill 1052

An Act to place limitations on the enforcement of federal laws and orders related to firearms, accessories, and ammunition.

A prison/jail population cost estimate statement is required for amendment HB1052G because the amendment would create a new felony penalty.

Under section 8 of the amendment, a person would be prohibited from owning a firearm under seven different circumstances. A violation of this section would be a Class 6 felony.

Under federal law, a person is prohibited from acquiring or possessing firearms under similar, although not identical, circumstances. According to the U.S. District Court of South Dakota, there have been 434 convictions under 18 U.S.C. § 922(g) in South Dakota in the last ten years.¹

Assuming that offenses would be prosecuted by state courts at the same rate as they are currently at the federal level, it is estimated there would be approximately 43 convictions each year.

Currently, for Class 6 felonies, 21.6% of these sentences are carried out in jail facilities and 26.1% in minimum security facilities.

The average time served in prison for a non-violent Class 6 felony is currently 165.3 days. Individuals serving time for Class 6 felonies in minimum security facilities cost \$52.53 per day. The increased operating cost for prisons would be \$98,120 in the first year and up to \$981,203 every ten years for individuals sentenced to prison.

The average time served in jail for these offenses is currently 168 days. With a jail facilities' cost of \$96.30 per day, the increased operating cost in the first year would be \$152,077 and up to \$1,520,770 every ten years for individuals sentenced to jail.

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

DATE: 2/18/2022
2022-FI1052A

¹ This estimate was revised 2/19/2022 to cite to the appropriate U.S. Code section.