

PRISON/JAIL POPULATION COST ESTIMATE STATEMENT

Ninety-Seventh Session SESSION
2022 South Dakota Legislature

House Bill 1232

An Act to establish mandatory sentences for certain driving while under the influence violations.

A prison/jail population cost estimate statement is required for amendment, 1232B, to HB1232, because the amendment would modify a law governing release of a prisoner from imprisonment or supervision.

A prison/jail cost estimate was previously provided for HB 1232, as introduced, which would establish multiple mandatory minimum terms of imprisonment. This amendment would decrease the proposed mandatory minimum sentences of the introduced bill as follows:

- In section 1, for a fourth offense driving while intoxicated (DWI) violation, the amendment decreases the mandatory minimum sentence from three years to one year;
- In section 2, for a fifth offense DWI violation, the amendment decreases the mandatory minimum sentence from seven years to three years; and
- In section 3, for an aggravated offense DWI, the mandatory minimum sentence's applicability is modified to apply to a subset of violators who committed at least six prior violations within fifteen years prior to the violation, and the minimum sentence itself is decreased from seven to five years.

The above-proposed changes do not warrant a revised prison/jail cost estimate. Instead, this estimate is the result of a new section 4 provided by amendment 1232B. The new section 4 would exclude violators subject to mandatory minimum sentences from being eligible for parole otherwise provided in chapters 24-15 and 24-15A.

Given the complex variables described above as well as the variables not factored into the original estimate, i.e., sentences to probation, the impact of this amendment on the state prison system and county jail populations, along with the associated operational and capital costs, is not readily quantifiable in advance of the Crossover Day deadline.

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DATE: 2/22/2022
2022-FI1232C