

PRISON/JAIL POPULATION COST ESTIMATE STATEMENT

Ninety-Eighth Session
2023 South Dakota Legislature

Senate Bill 48

An Act to enhance the penalty for attempted first degree murder of a law enforcement officer.

A prison/jail population cost estimate statement is required for SB48 because it increases the period of imprisonment authorized for an existing crime.

Per SDCL 22-4-1, "any person who attempts to commit a Class A, Class B, or Class C felony is guilty of a Class 2 felony." Homicide in the first degree, as defined by SDCL 22-16-4, is a Class A felony pursuant to SDCL 22-16-12. This bill would provide an enhanced penalty for attempted first degree homicide if committed against a law enforcement officer while the officer was engaged in the performance of the officer's duties, making the attempted offense a Class 1 felony instead of a Class 2 felony.

Other states have developed varying methods of increasing the penalty associated with homicide against a law enforcement officer and the attempt thereof. However, for the purposes of this cost estimate, most of these methods do not allow for a comparison when attempting to project changes to the state's prison and jail populations. Often, there exists no clear separation in statute for homicides of law enforcement officers as opposed to other homicides.

It appears that Pennsylvania has a provision solely for the first-degree murder of a law enforcement officer allowing for comparable data collection (18 Pa. C.S. § 2507(a)). Data on attempts of this crime were sought by the LRC, but the Pennsylvania Unified Judicial System did not respond in time to include such data, if available, in this cost estimate.

Due to the specificity of the bill and the lack of comparisons in other states, the impact of the bill on the prison and jail populations in the state cannot be determined.

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

DATE: 1/23/2023
2023-FI48A