

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

Ninety-Eighth Session SESSION

2023 South Dakota Legislature

## **House Bill 1160**

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An Act to limit probation for offenders with four or more felony convictions.

A prison/jail population cost estimate statement is required for HB1160 because it would modify law governing release of an inmate from imprisonment and may impact the prison population.

The bill would amend SDCL 24-15A-32, which establishes the initial parole date for inmates based on the class of felony for which the inmate was convicted, the inmate's total number of felony convictions, and whether the felony was violent or nonviolent. Specifically, the bill would increase the amount of an inmate's sentence the inmate would have to serve in prison before an initial parole date is set if the inmate has committed four or more felonies. The amount of time an inmate would have to serve in prison would increase for almost every felony class, with those convicted of a Class B or Class A felony remaining ineligible for parole.

For this cost estimate, it is assumed the percentage change in the required sentence to be served before an inmate is eligible for parole directly corresponds to the new sentences that would have to be served. For example, the bill would require someone convicted of a Class 6 felony who has had four or more prior felony convictions to serve 60% of their sentence in prison as opposed to 40% of their sentence. This cost estimate assumes such an individual would serve 150% more time in prison after the bill is enacted.

Looking at the current prison population, 596 inmates would be affected by the bill. Considering the felony class for which the inmates are convicted and considering the costs of incarceration based on an inmate's custody level compared to that of parole, it is projected that:

- 22 maximum/high medium custody inmates would spend an additional 10,437.1 total days in prison, costing the State an additional \$967,519;
- 182 low medium custody inmates would spend an additional 48,287.9 total days in prison, costing the State an additional \$3,404,296; and
- 392 minimum custody inmates would spend an additional 55,202.4 total days in prison, costing the State an additional \$2,471,409.

In relation to the 596 inmates, the bill would increase Department of Corrections expenses within the first year of passage and continue to increase expenses for about 11 years. Thus, over the span of 11 years, the total cost to the State of this bill would be \$6,843,224, about \$620,689 per year on average. This estimate does not include inflation.

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