

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

Ninety-Eighth Session  
2023 South Dakota Legislature

## **House Bill 1211**

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An Act to provide a penalty schedule for failure to maintain financial responsibility on a motor vehicle.

A prison/jail population cost estimate statement is required for HB1211 because it would establish a new felony under South Dakota law.

The bill would amend SDCL 32-35-113, which requires the maintenance of financial responsibility for every driver or owner of a motor vehicle. Currently, failure to maintain financial responsibility is a Class 2 misdemeanor. The bill would make a second violation of the section a Class 1 misdemeanor and any third or subsequent violation a Class 6 felony.

The difference in the average jail sentence between those convicted of a Class 1 misdemeanor (12 days) as opposed to a Class 2 misdemeanor (2 days) is considered negligible for the purposes of this cost estimate. However, considering the average jail sentence (161 days) and average penitentiary sentence (201 days) for those sentenced to a Class 6 felony, the bill would still increase state and county costs through the creation of a new felony.

Since 2018, 273 people, or 55 people per year, have had three or more SDCL 32-35-113 convictions who would be guilty of a Class 6 felony instead of a Class 2 misdemeanor per the bill. For Class 6 felonies, 21.3% of offenders are sentenced to jail; and 26.0% are sentenced to prison.

Assuming a daily cost for housing an individual in jail of \$96.30 and a daily cost for housing an individual in a minimum-security facility of \$63.30, counties would spend an additional \$179,800 annually; and the State would spend an additional \$181,943.

The bill is estimated to cost counties an additional \$1,798,003 and the State an additional \$1,819,432 over ten years.

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