

PRISON/JAIL POPULATION COST ESTIMATE STATEMENT
NINETY-FIRST SESSION
LEGISLATIVE ASSEMBLY 2016

SENATE BILL NO. 44

AN ACT TO CLASSIFY VEHICULAR HOMICIDE AS A CRIME OF VIOLENCE.

A prison/jail population cost estimate statement has been requested on SB44 because it adds vehicular homicide to the list of violent crimes, which changes the amount of time a defendant sentenced under § 22-16-41 must serve before becoming eligible for parole.

There were 41 arrests for vehicular homicide from January 1, 2010 to December 31, 2015, with 24 resulting in convictions. Of those convictions, the average sentence in the state penitentiary was 4,095 days, or 11.22 years. Under the current parole structure, a defendant would be eligible for parole after serving 30% of the sentence, or around 3.36 years. Under the new classification, a defendant would have to serve 50% of the sentence, or 5.6 years, before becoming eligible for parole.

Using prior average convictions, we will assume four convictions for vehicular homicide per year. With an average sentence of 11.22 years per defendant, each defendant sentenced per year would cost \$224,446 if they were incarcerated for their entire sentence. Due to the nature of parole, it is impossible to calculate exactly how long an inmate will remain incarcerated for purposes of this impact. Therefore, the LRC will work under the assumption that every defendant will be released on parole at the first available time to establish a minimum difference in time served. Assuming this, under the current structure inmates would be released after 3.37 years, costing \$67,361 for their entire sentence. Under the new classification, the inmates would serve at least 5.61 years of their sentence before being released on parole, at a cost of \$112,251 for the entire sentence. Inmates under the new structure will serve on average at least 819 more days of their sentence before becoming eligible for parole, at a cost of \$44,889 above the prior classification. Therefore, the estimated prison impact is an additional \$44,889 per inmate sentenced to vehicular homicide.

Because every inmate will serve at least 3.37 years regardless of the change in the law, the financial impact will not manifest until four years after the law is enacted. After that, there will be a continuous increase for three years, before leveling after the sixth year. Therefore, the estimated prison impact would phase in as follows:

| Year | Annual Convictions | Additional Cost |
|-------------|---------------------------|------------------------|
| 1 | 4 | \$0.00 |
| 2 | 4 | \$0.00 |
| 3 | 4 | \$0.00 |
| 4 | 4 | \$50,644.46 |
| 5 | 4 | \$130,667.06 |
| 6 | 4 | \$179,557.59 |
| 7 | 4 | \$179,557.59 |
| 8 | 4 | \$179,557.59 |
| 9 | 4 | \$179,557.59 |
| 10 | 4 | \$179,557.59 |

10-Year Total \$1,079,099.48

Cost:

Approved: /S/ Jason Hancock

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Director, Legislative Research Council