

PRISON/JAIL POPULATION COST ESTIMATE STATEMENT
NINETY-SECOND SESSION
LEGISLATIVE ASSEMBLY 2017

SENATE BILL NO. 28

AN ACT TO REVISE THE EXCEPTIONS TO PRESUMPTIVE PROBATION.

A prison/jail population cost estimate statement has been requested on SB28 due to the changes to presumptive probation.

The Public Safety Improvement Act, enacted in the 2013 Session, included a number of criminal justice changes and reforms. In an effort to reserve prison space for the most violent criminals, one of the reforms in the Public Safety Improvement Act was creation of presumptive probation for Class 5 and Class 6 felonies. Certain offenses were excluded from presumptive probation, which were primarily sex offenses.

SB28 adds three crimes to the exceptions of presumptive probation including: §22-24-15, the possession of a firearm by one with a prior violent crime conviction or certain drug-related conviction, §22-18-29, assault by an adult prisoner confined in a county or municipal jail, and §22-23-2(2) promoting the prostitution of a minor.

In order to determine the effect of SB28 on prison and jail populations, we looked at how many convictions under these three statutes received probation before and after presumptive probation was established. The percent of convictions that resulted in probation was lower after presumptive probation was established. Due to the fact that establishing presumptive probation did not increase the rate that probation was given under these three statutes, it is the opinion of the Legislative Research Council that removing presumptive probation will not result in significant changes to prison or jail populations.

Approved: /s/ Jason Hancock
Director, Legislative Research Council

Date: 1/27/2017