

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

HOUSE BILL NO. 1096

AN ACT TO PROVIDE FOR A CRIMINAL PENALTY FOR ANY PERSON WHO PREVENTS THE ENFORCEMENT OF A SECURED CREDITOR'S SECURITY INTEREST UPON REPOSSESSION OF A MOTOR VEHICLE.

A prison/jail population cost estimate statement has been requested on HB1096 due to creating a Class 1 misdemeanor for intentionally preventing enforcement of a secured creditor's security interest upon repossession of a motor vehicle.

Because this is a new crime, we looked to other states to determine the effect this crime would have on jail populations. Arizona has a statute substantially similar to HB 1096. A sample of 50% of Arizona court systems revealed 29 charges over the last eight years. Of those 29 charges only three resulted in a conviction.

We calculated the ratio of convictions to the population living in the sampled court systems, and then applied that ratio to the population of South Dakota. Based on the ratio of convictions to population in Arizona, we estimate that there would be 4 convictions in South Dakota over the next ten years.

Based on sentencing data from the Unified Judicial System, 38% of all Class 1 misdemeanors result in a jail sentence, with an average jail time of 11 days. Therefore, we assume that one of the four convictions over the next ten years will result in a jail sentence. With a cost of \$105.40 per day, the total estimated impact to jail costs is \$1,159 over a 10-year period, with likely no costs in the first year. There is no impact to prison costs.

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

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