

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

HOUSE BILL NO. 1142

AN ACT TO REVISE THE PENALTY FOR VEHICULAR HOMICIDE.

A prison/jail population cost estimate statement has been requested on HB1142 due to increasing the penalty for vehicular homicide from a Class 3 felony to a Class 2 felony.

Currently, vehicular homicide is a Class 3 felony under §22-16-41. HB1142 increases the penalty of vehicular homicide to a Class 2 felony. Over the past six years, there were 23 convictions of vehicular homicide with an average sentence of 12.64 years. The average sentence for all Class 2 felonies is 8.79 years. Although the average sentence of vehicular homicide as a Class 3 felony is already higher than the average sentence of a Class 2 felony, it is the opinion of the LRC that increasing the penalty will increase the length of sentences.

In order to determine the effect of the increased penalty on prison populations, we looked at the average sentence in comparison to the maximum sentence. The maximum sentence for a Class 3 felony is 15 years. The average sentence of 12.64 years for vehicular homicide is approximately 84% of the maximum sentence. The maximum sentence for a Class 2 felony is 25 years. Assuming convictions for vehicular homicide will receive the same percent of the maximum sentence, the average sentence will increase 8.43 years, from 12.64 to 21.07 years.

Currently, those convicted of vehicular homicide are eligible for parole after serving 30% to 50% of their sentence, depending on criminal history. Increasing the penalty does not change the percent of the sentence that must be served before an inmate is eligible for parole. If we assume a defendant is given an average sentence of 12.64 years, a defendant convicted of vehicular homicide as a Class 3 felony is first eligible for parole after 3.79 years. The same defendant would be eligible for parole after serving 6.32 years of the estimated sentence of 21.07 years for vehicular homicide as a Class 2 felony. Therefore, increasing the penalty would increase the time served by 2.53 years. Of note, due to the nature of parole, it is impossible for the LRC to know when parole may be granted. Therefore, we will be working under the assumption that those convicted will be released at the first eligibility to establish minimum standards.

At a cost of \$74.27 per day and an additional 2.53 years of time served, each conviction would cost an additional \$68,585. However, these costs would not be realized until year 4, because inmates are already in prison for 3.79 years. After this period of time, and using an average of 4 convictions per year, the impact will likely be as follows:

Year	Annual Convictions	Additional Costs
1	4	\$0.00
2	4	\$0.00
3	4	\$0.00
4	4	\$22,875.16
5	4	\$131,309.36
6	4	\$239,743.56
7	4	\$274,501.92
8	4	\$274,501.92
9	4	\$274,501.92
10	4	\$274,501.92

10-Year Total Additional Costs: \$1,491,935.76

Approved: /s/ Jason Hancock Date: 2/9/2017
 Director, Legislative Research Council