PRISON/JAIL POPULATION COST ESTIMATE STATEMENT
RE-ISSUED

NINETY-THIRD SESSION
LEGISLATIVE ASSEMBLY 2018

SENATE BILL NO. 175

AN ACT TO REVISE CERTAIN PROVISIONS REGARDING THE CARRYING OF CONCEALED PISTOLS BY CERTAIN PERSONS.

A prison/jail population cost estimate statement is required for SB175 because it creates a new Class 6 felony for a subsequent violation of carrying a concealed weapon without a permit, as prohibited in SDCL 22-14-9, within ten years of the first violation.

Those convicted under the new penalty would have had a Class 1 misdemeanor under the existing statute. To determine the effect on prison or jail populations, the Legislative Research Council looked at the number of initial and subsequent violations under SDCL 22-14-9. In the past 10 years, there have been 143 jail convictions and 0 prison convictions for carrying a concealed weapon without a permit. None of those convicted of an initial offense under SDCL 22-14-9 have a subsequent conviction.

Under SB175, the penalties do not apply if an individual has a valid South Dakota driver license or identification card at the time of carrying a concealed weapon. The Legislative Research Council determined that approximately 87% of the driving-age population has a license. Based on the assumption that 13% of those being convicted would not have a license, the number of convictions would decrease to an estimated 19 convictions per a ten year period. 124 fewer convictions over a ten year period will result in 4,885.6 fewer days spent in jail at a cost of $89.73 per day.

In conclusion, the total average cost decreases for jail would be $43,838 per year and $438,384 over a ten year period.

Approved: /s/ Jason Hancock Date: 2/14/18

Director, Legislative Research Council

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