PRISON/JAIL POPULATION COST ESTIMATE STATEMENT

NINETY-THIRD SESSION
LEGISLATIVE ASSEMBLY 2018

HOUSE BILL NO. 1228

AN ACT TO PROVIDE FOR THE CRIME OF AGGRAVATED RAPE AND PROVIDE A PENALTY THEREFOR.

A prison/jail population cost estimate statement is required for HB1228 due to creating a new Class B Felony for the rape of a victim under the age of seventeen that causes serious bodily injury, and that results in a permanent disability or is life threatening. A conviction of HB 1228 would result in a life sentence.

In order to analyze the impact of HB 1228, the Legislative Research Council looked to data from San Diego County, California for criminal charges of sexual offenses involving bodily harm to a child under fourteen years of age. Between 2013 and 2015, San Diego County had an average of 4.5 charges per year. Based on the population of San Diego County compared to the population of South Dakota, South Dakota could expect 1.2 charges of HB 1228 to be filed per year. Since the crime described by HB 1228 also includes 14 to 16 year olds, we will assume 1.5 charges to be filed per year.

Under SDCL 22-22-1, South Dakota has a ten-year average conviction rate of 6.46% for rape in the second degree, a Class 1 felony. If charges under HB 1228 would experience a similar conviction rate, South Dakota could expect a criminal conviction once every 10 years. The average life sentence lasts 26.1 years at a cost of $27,312.95 per year.

If South Dakota experienced one conviction under HB 1228 in the first ten years, there would likely be no impact because the average conviction of rape in the second degree receives a sentence of 8,830 days, or 24.19 years. A person convicted of rape in the second degree must serve at least 50% of their sentence before becoming eligible for parole. As a result, any increase in prison costs could not begin accruing until after 12.1 years.

Based on the above analysis, it is the opinion of the Legislative Research Council that the impact on prison costs of HB 1228 is zero in the first year, and zero over its first ten years.

Approved: /s/ Jason Hancock Date: 2/12/18

Director, Legislative Research Council