

PRISON/JAIL POPULATION COST ESTIMATE STATEMENT
NINETY-THIRD SESSION
LEGISLATIVE ASSEMBLY 2018

HOUSE BILL NO. 1293ja

**AN ACT TO INCREASE THE PENALTY FOR CERTAIN ASSAULTS COMMITTED
AGAINST FIREFIGHTERS OR EMERGENCY MEDICAL TECHNICIANS WHILE
ENGAGED IN THE PERFORMANCE OF THEIR DUTIES.**

A prison/jail population cost estimate statement is required for HB1293ja due to the increase in penalty for simple and aggravated assaults against ambulance service personnel while engaged in the performance of their duties.

Ambulance service personnel would encompass more personnel than the proposed emergency medical technicians under HB1293. The amendment would result in an additional 45 individuals being covered under this bill. Based on the national data of the percentage of firefighters and EMTs who experience violence while on the job, South Dakota could expect one additional assault over a ten year period.

Currently, 85% of assault convictions under SDCL 22-18-1.05 are for simple assault. For that reason, the Legislative Research Council is assuming the one additional assault would be a Class 6 felony for simple assault. Most simple assault convictions result in a prison sentence. The average prison sentence for simple assault is 667 days. However, persons convicted of nonviolent Class 6 felonies are eligible for parole after serving at least 25% of their sentence, depending on criminal history. Due to the nature of parole, it is impossible for LRC to know when parole may be granted. Therefore, we will be working under the assumption that those convicted will be released at first eligibility to establish minimum standards. Under parole, the days spent in prison would be 167 days for simple assault.

At an average daily cost of \$74.83, the total additional average cost increases to prisons from HB1293ja would likely be zero in the first year and \$12,488 over a ten year period. If HB1293 is adopted as amended, the total average cost increases to prisons would be \$170,181 annually and \$1,714,291 over a ten year period.

Approved: /s/ Jason Hancock Date: 2/14/18
Director, Legislative Research Council
