

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

HOUSE BILL NO. 1228aa

**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 HB 1228aa due to creating a new Class B felony for the rape of a victim under the age of eighteen, rather than seventeen, that causes serious bodily injury, and that results in a permanent disability or is life threatening. A conviction of HB 1228aa would result in a life sentence.

In order to analyze the impact of HB 1228aa, 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 1228aa to be filed per year. Since the crime described by HB 1228aa also includes 14 to 17 year olds, we will assume 1.7 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 1228aa would experience a similar conviction rate, South Dakota could expect a criminal conviction once every 9 years. The average life sentence lasts 26.1 years at a cost of \$27,312.95 per year.

Whether South Dakota experienced one or two convictions under HB 1228aa during the required 10-year period of analysis, there would likely be no impact during this period 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 1228aa is zero in the first year, and zero over its first ten years.

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

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