

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

HOUSE BILL NO. 1293jc

AN ACT TO INCREASE THE PENALTY FOR CERTAIN ASSAULTS COMMITTED
AGAINST FIREFIGHTERS OR AMBULANCE SERVICE PERSONNEL WHILE ENGAGED
IN THE PERFORMANCE OF THEIR DUTIES.

A prison/jail population cost estimate statement is required for HB1293jc due to the increased penalty for simple and aggravated assaults against health care facility personnel engaged in patient care.

The amendment would result in approximately 17,082 more personnel that may be covered under SDCL 22-18-1.05. Based on national data regarding workplace violence in a health care setting, South Dakota could expect an additional 48 assaults against health care facility personnel per year. Under the existing statute, approximately 85% of charges have been for simple assault and 15% for aggravated assault. Applying this percentage to the number of expected occurrences, there would be 41 charges of simple assaults and 7 charges of aggravated assaults, per year. Based on current convictions rates, South Dakota could expect 10 convictions of simple assault and 1 case of aggravated assault per year under HB 1293jc.

Under SDCL 22-18-1.05, the average prison sentence for simple assault is 667 days and 3,601 days for aggravated assault. The average jail sentence for simple assault is 117 days. Currently, persons convicted of nonviolent Class 6 felonies are eligible for parole after serving at least 25% of their sentence, while Class 2 felonies are eligible after serving 30%, depending on criminal history. Due to the nature of parole, it is impossible for the Legislative Research Council 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 and 1,080 days for aggravated assault.

23.6% of simple assault convictions under the existing statute result in a jail sentence. For this reason, LRC is assuming 2.4 individuals will serve a jail sentence and 7.6 individuals will serve a prison sentence each year. The average daily cost of prison for a Class 6 felony is \$42.23 and is \$74.83 for a Class 2 felony. The average daily cost of jail is \$89.73.

In conclusion, the total additional average cost increase to prisons from HB1293jc would be \$134,415 annually and \$1,344,148 over a ten year period. The total additional average cost increase to jails would be \$25,196 annually and \$251,961 over a ten year period. If HB1293 is adopted with this amendment, the total average cost increase to prisons would be \$304,596 annually and \$3,058,449 over a ten year period. The total average cost increase to jails would be \$47,186 annually and \$471,862 over a ten year period.

Approved: /s/ Jason Hancock Date: 2/20/18

Director, Legislative Research Council