

PRISON/JAIL POPULATION COST ESTIMATE STATEMENT
NINETY-FOURTH SESSION
LEGISLATIVE ASSEMBLY 2019

HOUSE BILL NO. 1243

AN ACT TO REVISE PROVISIONS REGARDING HATE CRIMES.

A prison/jail population cost estimate statement is required for HB 1243 because it creates a Class 6 felony for any person who has been convicted of causing physical injury to another person, defaces any real or personal property of another person, or threatens another person or group based on sexual orientation or gender identity. Current law already provides this penalty for such crimes if based on race, ethnicity, religion, ancestry, or national origin.

Over the past 10 years, there have been 5 convictions under 22-19B-1. The LRC examined the Uniform Crime Reporting 2017 Hate Crime Statistics Report from the U.S. Department of Justice and the FBI, which indicated that crimes based on sexual orientation and gender identity occur at slightly less than one-fourth of the rate as the five factors already included in current South Dakota law.

Therefore, the LRC estimates the fiscal impact to be no additional convictions in one year, and one additional conviction resulting in a prison sentence every ten years.

The estimated time served for a Class 6 non-violent felony is 181.5 days in a minimum-security facility, at a rate of \$41.07 per day.

The total estimated prison impact is estimated at zero for one year, and \$7,454 every ten years. The estimated jail impact is zero.

Approved: /S/ Jason Hancock

Date: February 22, 2019

Director, Legislative Research Council