

PRISON/JAIL POPULATION COST ESTIMATE STATEMENT

Ninety-Fifth SESSION
2020 South Dakota Legislature

Senate Bill 7

An Act to revise the eligibility for presumptive probation.

A prison/jail population cost estimate statement is required for SB7 because a person would only be entitled to presumptive probation for two offenses within a ten-year period. Under this bill, only presumptive probation violations occurring on or after July 1, 2020 would be considered in the ten-year look back period.

Since January 1, 2000 there have been 6,083 individuals convicted of a crime that would be eligible for presumptive probation under current law who had two or more convictions also eligible for presumptive probation in the previous 10 years, or an average of 304 individuals annually.

Based on FY18 data, 72.97% of these types of convictions are given probation, 19.78% are sent to prison, and 2.57% are sentenced to jail. Of those given probation, 10.2% ultimately have probation revoked and are sent to prison. Applying these percentages to the annual average of 304 individuals results in 199 on probation, 83 sentenced to prison, and 8 sentenced to jail.

Prior to the enactment of the current presumptive probation law in 2013, approximately 71.53% of individuals sentenced to these types of Class 5 and 6 felonies were given probation, while 28.47% were sent to prison or jail. After accounting for the 10.2% of those given probation who would ultimately be sent to prison and applying these percentages to the number of individuals convicted of these types of crimes, each year 195 would complete probation, while 109 would ultimately be sent to prison or jail.

As a result, revising presumptive probation would result in an additional 18 individuals receiving a prison or jail sentence in FY 2030 than would otherwise be the case under the current presumptive probation standard. Since only violations after July 1, 2020 would be considered in the ten year look back period, the number of individuals who would no longer receive presumptive probation would be expected to increase over the next ten years. For the purposes of this statement the LRC assumes that the number of individuals who would no longer receive presumptive probation under the bill would increase at a consistent rate over the next ten years.

The weighted average time served in prison for class 5 and 6 felonies is 245.75 days, to first release. Individuals serving time for these types of offenses are typically housed in minimum security facilities, at a cost of \$44.86 per day. The average time served in jail for class 5 and 6 felonies is 98.37 days at an average cost of \$90.26 per day. The annual operating costs for housing these additional prisoners in prisons and jails is as follows:

SB 7 Estimated Prison & Jail Costs

	Prison Costs		Jail Costs		TOTAL
	Convictions	Added Cost	Convictions	Added Cost	
Cost/day		\$44.86		\$90.26	
Year 1	0	\$0	0	\$0	\$0
Year 2	1.83	\$20,175	0.17	\$1,509	\$21,684
Year 3	3.65	\$40,239	0.35	\$3,108	\$43,346
Year 4	5.48	\$60,413	0.52	\$4,617	\$65,030
Year 5	7.31	\$80,588	0.69	\$6,126	\$86,714
Year 6	9.14	\$100,763	0.86	\$7,636	\$108,398
Year 7	10.96	\$120,827	1.04	\$9,234	\$130,061
Year 8	12.79	\$141,001	1.21	\$10,743	\$151,745
Year 9	14.62	\$161,176	1.38	\$12,253	\$173,429
Year 10	16.45	\$181,350	1.55	\$13,762	\$195,113

10-year \$906,532 \$68,989 \$975,521
 Total:

APPROVED BY: /s/ Jason Hancock
 Director, Legislative Research Council

DATE: 2/20/2020
 2020-FI7A