

PRISON/JAIL POPULATION COST ESTIMATE STATEMENT

Ninety-Fifth SESSION
2020 South Dakota Legislature

Senate Bill 6

An Act to revise certain conditions under which presumptive probation may be applied.

A prison/jail population cost estimate statement is required for SB6 because the bill requires persons convicted of certain Class 5 and 6 felonies to cooperate with law enforcement to receive presumptive probation.

The Attorney General's office estimates, based on the caseload handled by their office, that only 25% of individuals convicted of crimes eligible for presumptive probation are cooperating with law enforcement. However, the Attorney General's office believes that if this bill were to be put into effect, at least 62.5% of individuals would cooperate under this law. This means that 37.5% of the 3,896 per year currently being sentenced under a presumption of probation would no longer receive this presumption, affecting approximately 1,461 individuals.

Under current law, 435 individuals would ultimately be sent to prison or jail. Under SB 6, using percentages from prior to the creation of presumptive probation in 2013, 523 would ultimately be sent to prison or jail, which is an increase of 88 individuals being incarcerated. Of these, 77 would be sent to prison, while 11 would be sent to jail.

The average time served in prison for those sent to prison for these types of presumptive probation convictions is 245.75 days, to their 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 annual prison operating cost for housing these additional prisoners, therefore, is \$848,875, or \$8,488,746 over 10 years.

The average time served in jail for those sent to jail for these types of presumptive probation convictions is 98.37 days, to their release at a cost of \$90.26 per day. The annual jail operating cost for housing these additional prisoners, therefore, is \$97,668, or \$976,676 over 10 years.

In addition, incarcerating these individuals would require prison housing. While there is currently sufficient capacity in men's prison units to accommodate additional prisoners, women's prison units are currently at capacity. Of the 77 sent to prison, an estimated 19 would be women, approximately 13 of which would be in prison at any given time of the year, resulting in 13 additional beds needing to be found out-of-state, possibly at a higher cost than South Dakota's \$44.86 per day, or construction of a new facility for female offenders.

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