

PRISON/JAIL POPULATION COST ESTIMATE STATEMENT

Ninety-Fifth SESSION
2020 South Dakota Legislature

House Bill 1068

An Act to include out-of-state convictions for the basis of an enhanced penalty for the crime of stalking.

A prison/jail population cost estimate statement is required for HB1068 because certain out-of-state convictions would be included as a subsequent conviction for the purpose of raising a Class 1 misdemeanor to a Class 5 or Class 6 felony.

Since 2008, there have been 155 convictions under § 22-19A-1. Nine people have been convicted as a subsequent offender and received the enhanced sentence. There have been no convictions under § 22-19A-3. LRC estimates that approximately 21% of South Dakota's population has moved here from out-of-state in the last ten years, and approximately 53% of this group's residence was spent out-of-state. Based on data on subsequent stalking convictions, LRC estimates one person over the next ten years with out-of-state convictions for stalking will receive the enhanced sentence under either of these statutes.

The average time served in prison for those sent to prison for a Class 6 felony conviction is 177.4 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 estimated cost for the first year is zero. The operating cost for housing one additional prisoner is \$7,958 over 10 years.

No one convicted under these statutes was given jail time. The LRC estimates that no additional construction costs are necessary to meet the additional capacity required.

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

DATE: 2/11/2020
2020-FI1068A