

PRISON/JAIL POPULATION COST ESTIMATE STATEMENT

Ninety-Fifth SESSION
2020 South Dakota Legislature

House Bill 1088

An Act to create a penalty for violation of a vulnerable adult protection order.

A prison/jail population cost estimate statement is required for HB1088 because it would make it a Class 6 felony for a person to violate a vulnerable adult protection order if that violation would constitute an assault or if that person had two or more prior violations of a vulnerable adult protection order, a stalking protection order, or a domestic abuse protection order.

To analyze the impact of HB 1088, the Legislative Research Council looked at violations of SDCL 25-10-13, which is a similar provision for domestic abuse protection orders and has the same penalty scheme. Over the past ten years there have been 145 convictions under SDCL 25-10-13 for violations of domestic abuse protection orders. Over the past two years, the number of domestic abuse protection orders filed is 115 times the number of vulnerable adult protection orders filed. Therefore, the Legislative Research Council estimates that there would be one Class 6 felony conviction for a violation under HB 1088 every eight years.

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 prison cost for the first year is zero and the estimated prison cost over ten years is \$7,958.

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