

SOUTH DAKOTA LEGISLATIVE RESEARCH COUNCIL

2020 South Dakota Legislature

FISCAL NOTE 2020-FN95A

SB95 requires that restitution ordered by the court be paid in full before parolees and probationers will be eligible for discharge from supervision. In addition, probationers will not be able to earn earned discharge credits until the full amount of restitution has been paid. This bill applies to sentences occurring on or after July 1, 2020.

Under SB95, parolees and probationers will remain under supervision until restitution can be paid in full, resulting in longer supervision terms for some. According to information received from the Department of Corrections (DOC) and the Unified Judicial System (UJS), on average, 84 parolees and 387 probationers are discharged annually still owing restitution.

According to information obtained from the Department of Social Services (DSS) and analyzed by the Legislative Research Council (LRC), regarding child support cases, approximately 12% of child support cases involved those who entered into a payment plan to reinstate or avoid a suspended license. This information was utilized as a proxy to arrive at a percentage of individuals who will likely set up payment to avoid additional consequences.

LRC estimates that if 12% of the parolees and probationers will pay the full amount of restitution to avoid delay of release, 74 parolees and 341 probationers annually will remain under supervision until restitution has been paid in full.

Based on the average amount of restitution owed at discharge, LRC assumes that individuals who are kept under supervision until restitution is paid in full will be under supervision for an additional two years. Based on average parole and probation officer caseloads under the FY21 budgets requested by DOC and UJS, the additional supervision would require one additional parole officer and four additional court service officers, at a total estimated cost of \$363,598 annually.

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

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