

PRISON/JAIL POPULATION COST ESTIMATE STATEMENT

Ninety-Fifth SESSION
2020 South Dakota Legislature

House Bill 1128

An Act to modify the penalty for causing a child to be present during methamphetamine use, distribution, or manufacture.

This PJPCE is for Amendment 1128A for House Bill 1128.

A prison/jail population cost estimate statement is required for HB1128 because the bill raises the penalty from a Class 1 misdemeanor to a Class 4 felony for exposing a minor under the age of fourteen to the use, distribution, or manufacture of methamphetamine. The penalty does not change for children 14 and above.

The amendment would also make it a Class 4 felony to expose an unborn child to the use, distribution, or manufacture of methamphetamine.

LRC estimates that the amendment would result in 3.4 additional convictions a year, as compared to the original bill, that would receive the Class 4 felony versus the Class 5 felony for ingestion or possession of a controlled substances.

The average time served in prison for those sent to prison for Class 5 felonies is 266.1 days, to their first release. The average time served in prison for those sent to prison for Class 4 felonies is 402.6 days, to first release. This results in an increased sentence of 136.5 days. Individuals serving time for these types of offenses are typically housed in minimum-security facilities, at a cost of \$44.86 per day.

Based on this amendment, the annual operating cost for housing these additional prisoners is \$20,820, or \$208,195 over 10 years, in addition to the amounts shown in the PJPCE for the original bill. There are no additional jail costs.

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

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