

# PRISON/JAIL POPULATION COST ESTIMATE STATEMENT

LEGISLATIVE RESEARCH COUNCIL

## INITIATED MEASURE

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S.D. SEC. OF STATE

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### AN INITIATED MEASURE TO ALLOW FOR DEATH WITH DIGNITY IN SOUTH DAKOTA

A prison or jail cost estimate has been requested on a proposed initiated measure to allow for death with dignity in South Dakota due to creating a crime of willfully altering or forging a request for life ending medication, or destroying a recession of a request for life ending medication with the intent to cause a patient's death with the penalty of a Class A felony. In addition, the proposed initiated measure creates the crime of coercing or exerting undue influence on a patient to request life ending medication which is also a Class A felony.

South Dakota does not currently allow for death with dignity, nor does it have any crime comparable to it. Two other states, Washington and Oregon, have nearly identical statutory language and allow for similar punishment under their law. In Oregon, since the enactment of similar legislation in 1998, there have been no charges or convictions under its statute, ORS §127.890.

In Washington, similar legislation was enacted in 2009, and there has been one conviction in 2012 under its statute, RCW 70.245.200. Based on the populations of Washington and Oregon and the number of years each state has had the statutes enacted compared to the population of South Dakota, South Dakota can expect a conviction of this nature once every 140.23 years. A Class A felony in South Dakota punishable by a mandatory minimum of life in prison. The average mandatory life sentence lasts 22.9 years at a cost of \$27,506.00 per year.

Based on the convictions in other states with similar language to what is proposed in South Dakota, it is the opinion of the LRC that the prison impact of this proposed initiated measure will be zero in its first year, and zero over its first ten years.

Approved:   
Director, Legislative Research Council

Date: 12/20/16

Filed this 21<sup>st</sup> day of

December 2016



SECRETARY OF STATE