

# State of South Dakota

## EIGHTIETH LEGISLATIVE ASSEMBLY, 2005

916L0136

SENATE BILL NO. \_\_\_\_\_

Introduced by: \_\_\_\_\_

1 FOR AN ACT ENTITLED, An Act to SHANNON–MISCELLANEOUS PENALTY  
2 PROVISIONS.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 22-6-6 be repealed.

5 ~~—22-6-6. Whenever any person is declared punishable for a crime by imprisonment in the~~  
6 ~~state penitentiary for a term not less than any specified number of years, and no limit to the~~  
7 ~~duration of such imprisonment is declared, the court authorized to pronounce judgment upon~~  
8 ~~such conviction may, in its discretion, sentence such offender to imprisonment during his~~  
9 ~~natural life or for any number of years not less than such as are prescribed.~~

10 Section 2. That § 22-6-6.1 be amended to read as follows:

11 22-6-6.1. If a defendant ~~has been~~ is convicted of two or more offenses, regardless of when  
12 the offenses were committed or when the judgment or sentence ~~was~~ is entered, the judgment or  
13 sentence may be that the imprisonment on any of the offenses or convictions may run  
14 concurrently or consecutively at the discretion of the court.

15 Section 3. That § 22-6-7 be amended to read as follows:

16 22-6-7. Actions for violations of petty offenses are civil proceedings ~~and~~ in which the state



1 ~~shall be~~ is the plaintiff. Such actions ~~shall be~~ are governed by chapter 23-1A.

2 Section 4. That § 22-6-8 be amended to read as follows:

3 22-6-8. Notwithstanding § 22-6-1 or 22-6-2, ~~when~~ if there is an insurer, self insurance,  
4 reciprocal insurance, or an insurance pool available to compensate the victim by means of a civil  
5 liability determination, the court in imposing sentence on a defendant who has been found guilty  
6 of a misdemeanor or felony may order that the defendant make restitution to a victim in  
7 accordance with the provisions of chapter 23A-28.