

State of South Dakota

SEVENTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 1999

562C0484

SENATE ENGROSSED NO. **SB107** - 2/2/99

Introduced by: Senators Whiting, Dunn (Jim), Everist, Flowers, Ham, Lawler, and Moore and
Representatives Haley, Brown (Jarvis), Duniphan, Jaspers, Pummel, and
Volesky

1 FOR AN ACT ENTITLED, An Act to require the Corrections Commission to review any
2 proposal to establish or increase mandatory minimum sentences.

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

4 Section 1. Any person before proposing to the Legislature the establishment of, or an
5 increase to, any mandatory minimum sentence shall submit the proposal to the Corrections
6 Commissions not later than December thirty-first. This requirement does not apply to bills which
7 provide that the sentencing court may impose a sentence other than that specified if the court
8 finds, in writing, that mitigating circumstances exist which require a departure from the
9 mandatory sentence proposed. The Corrections Commission shall review and assess the merits
10 of the proposal and determine the impact the proposal would have on the corrections system. If
11 the proposal is subsequently introduced in the Legislature, the Corrections Commission shall
12 submit to the Legislature its recommendation with regard to the proposal. The Corrections
13 Commission shall base any recommendation on evidence gathered by the commission in public
14 hearings from testimony submitted orally or in writing by interested parties and on evidence
15 compiled by the commission in its study.

1 **BILL HISTORY**

2 1/22/99 First read in Senate and referred to Judiciary. S.J. 161

3 1/25/99 Scheduled for Committee hearing on this date.

4 1/29/99 Scheduled for Committee hearing on this date.

5 1/29/99 Judiciary Do Pass Amended, Passed, AYES 5, NAYS 2. S.J. 251

6 2/2/99 Motion to Amend, Passed. S.J. 305

7 2/2/99 Senate Do Pass Amended, Failed, AYES 16, NAYS 18. S.J. 305

8 2/2/99 Intent to reconsider, AYES 19, NAYS 15. S.J. 306

9 2/2/99 Senate Do Pass Amended, Passed, AYES 17, NAYS 17. S.J. 306