

State of South Dakota

EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007

400N0377

SENATE JUDICIARY COMMITTEE ENGROSSED NO. **SB 50** - 01/12/2007

Introduced by: The Committee on Judiciary at the request of the Department of Corrections

1 FOR AN ACT ENTITLED, An Act to revise certain provisions of parole eligibility.

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

3 Section 1. That § 24-15A-19 be amended to read as follows:

4 24-15A-19. In the determination of an inmate's initial parole date, two or more convictions
5 arising from the same transaction, for which the sentences are made to run consecutively, shall
6 be considered as one conviction. Two or more sentences arising from different transactions for
7 which the sentences are made to run consecutively shall be considered as separate convictions.
8 For a person receiving two or more sentences which are made to run consecutively, time to
9 serve to initial parole shall be calculated individually for each sentence then added to determine
10 actual first parole date. In cases of different transactions, at least one occurring prior to July 1,
11 1996, and at least one occurring on or after July 1, 1996, time to initial parole shall be calculated
12 by adding the time to serve to initial parole on transactions occurring on or after July 1, 1996,
13 to the parole eligibility date of the transactions occurring prior to July 1, 1996, unless the
14 subsequent transaction is a result of a crime committed as an inmate pursuant to § 24-15A-20.

15 In cases of different transactions, where at least one transaction has a discretionary parole



1 date as a result of a parole revocation pursuant to § 24-15-24, § 24-15A-29, or as a result of
2 noncompliance pursuant to § 24-15A-39, and at least one transaction has an initial parole date
3 pursuant to § 24-15A-32, time to initial parole shall be calculated by adding the time to serve
4 to parole on transactions with an initial parole date to the parole eligibility date on transactions
5 with a discretionary date. Parole eligibility as used in this section is the date the inmate is next
6 eligible for a parole hearing based on transactions with a discretionary date.

7 Section 2. That § 24-15A-32 be amended to read as follows:

8 24-15A-32. Each inmate sentenced to a penitentiary term, except those under a sentence of
9 life or death, or an indeterminate sentence which is not yet set to a term of years by the board
10 or determined to be ineligible for parole as authorized in § 24-15A-32.1, shall have an initial
11 parole date set by the department. This date shall be calculated by applying the percentage
12 indicated in the following grid to the full term of the inmate's sentence pursuant to § 22-6-1. The
13 following crimes or an attempt to commit, or a conspiracy to commit, any of the following
14 crimes shall be considered a violent crime for purposes of setting an initial parole date: murder,
15 manslaughter, rape, aggravated assault, riot, robbery, burglary in the first degree or burglary in
16 the second degree if committed before July 1, 2006, arson, kidnapping, felony sexual contact
17 as defined in §§ 22-22-7 and 22-22-19.1, child abuse, felony sexual contact as defined in § 22-
18 22-7.2, felony stalking as defined in §§ 22-19A-2 and 22-19A-3, photographing a child in an
19 obscene act, felony assault as defined in § 22-18-26, felony simple assault as defined in § 22-
20 18-1, commission of a felony while armed as defined in §§ 22-14-12 and 22-14-13.1,
21 discharging a firearm at an occupied structure or motor vehicle as defined in § 22-14-20,
22 discharging a firearm from a moving vehicle as defined in § 22-14-21, criminal pedophilia as
23 defined in § 22-22-30.1, ~~and~~ threatening to commit a sexual offense as defined in § 22-22-45,
24 and abuse or neglect of a disabled adult as defined in § 22-46-2:

	Felony Convictions			
	Felony Class	First	Second	Third
3	Nonviolent			
4	Class 6	.25	.30	.40
5	Class 5	.25	.35	.40
6	Class 4	.25	.35	.40
7	Class 3	.30	.40	.50
8	Class 2	.30	.40	.50
9	Class 1	.35	.40	.50
10	Class C	.35	.40	.50
11	Violent			
12	Class 6	.35	.45	.55
13	Class 5	.40	.50	.60
14	Class 4	.40	.50	.65
15	Class 3	.50	.60	.70
16	Class 2	.50	.65	.75
17	Class 1	.50	.65	.75
18	Class C	.50	.65	.75
19	Class B	1.0	1.0	1.0
20	Class A	1.0	1.0	1.0

21 Each inmate shall serve at least sixty days prior to parole release. Inmates with life sentences
22 are not eligible for parole. An initial parole date through the application of this grid may be
23 applied to a life sentence only after the sentence is commuted to a term of years. A Class A or
24 B felony commuted to a number of years shall be applied to the Class C violent column of the
25 grid.