

State of South Dakota

EIGHTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2013

400U0231

HOUSE BILL NO. 1031

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 regarding parole date
2 calculation.

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

4 Section 1. That § 24-15A-29 be amended to read as follows:

5 24-15A-29. If a parole is revoked, the board shall establish a discretionary parole date of not
6 more than two years from the date of revocation. Subsequent discretionary hearings shall be
7 held at intervals of not more than two years. The board is not required to see an inmate for a
8 discretionary parole hearing at two-year intervals following a revocation if the inmate receives
9 an additional felony sentence or has a suspended sentence imposed which carries a first parole
10 date longer than two years from the revocation. If a suspended sentence is revoked and the
11 sentence is imposed, a ~~discretionary~~ parole date shall be calculated based on the ~~entire~~ imposed
12 term. If a suspended sentence is revoked and imposed prior to the initial parole date on the
13 incarceration term of the sentence prior to the imposition of the suspended sentence, the parole
14 date calculated on the imposed sentence is an initial parole date with parole release subject to
15 § 24-15A-38. If a suspended sentence is revoked and imposed after the inmate has been released



1 on parole, or found noncompliant under § 24-15A-39, the parole date is a discretionary date.

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

3 24-15A-32. Each inmate sentenced to a penitentiary term, except those under a sentence of
4 life or death, ~~or an indeterminate sentence which is not yet set to a term of years by the board~~
5 or determined to be ineligible for parole as authorized in § 24-15A-32.1, shall have an initial
6 parole date set by the department. This date shall be calculated by applying the percentage
7 indicated in the following grid to the full term of the inmate's sentence pursuant to § 22-6-1. The
8 following crimes or an attempt to commit, or a conspiracy to commit, or a solicitation to
9 commit, any of the following crimes shall be considered a violent crime for purposes of setting
10 an initial parole date: murder, manslaughter, rape, aggravated assault, riot, robbery, burglary in
11 the first degree or burglary in the second degree if committed before July 1, 2006, arson,
12 kidnapping, felony sexual contact as defined in §§ 22-22-7 and 22-22-19.1, child abuse, felony
13 sexual contact as defined in § 22-22-7.2, felony stalking as defined in §§ 22-19A-2 and 22-19A-
14 3, photographing a child in an obscene act, felony assault as defined in § 22-18-26, felony
15 simple assault as defined in § 22-18-1, commission of a felony while armed as defined in §§ 22-
16 14-12 and 22-14-13.1, discharging a firearm at an occupied structure or motor vehicle as defined
17 in § 22-14-20, discharging a firearm from a moving vehicle as defined in § 22-14-21, criminal
18 pedophilia as defined in § 22-22-30.1, threatening to commit a sexual offense as defined in
19 § 22-22-45, abuse or neglect of a disabled adult as defined in § 22-46-2, and aggravated incest
20 as defined in §§ 22-22A-3 and 22-22A-3.1:

Felony Convictions			
Felony Class	First	Second	Third
Nonviolent			
Class 6	.25	.30	.40

1	Class 5	.25	.35	.40
2	Class 4	.25	.35	.40
3	Class 3	.30	.40	.50
4	Class 2	.30	.40	.50
5	Class 1	.35	.40	.50
6	Class C	.35	.40	.50
7	Violent			
8	Class 6	.35	.45	.55
9	Class 5	.40	.50	.60
10	Class 4	.40	.50	.65
11	Class 3	.50	.60	.70
12	Class 2	.50	.65	.75
13	Class 1	.50	.65	.75
14	Class C	.50	.65	.75
15	Class B	1.0	1.0	1.0
16	Class A	1.0	1.0	1.0

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