

AN ACT

ENTITLED, An Act to enact a procedure for delayed appeal if the petitioner was unconstitutionally denied the right of appeal.

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

Section 1. If the court finds that an applicant was denied the right to an appeal from an original conviction in violation of the Constitution of the United States or the Constitution of South Dakota, the court shall issue a new judgment and impose the same sentence if such relief is requested within a reasonable time and an adequate record of the original trial proceeding is available for review. The court shall advise the applicant of the following:

- (1) The rights associated with an appeal from a criminal conviction; and
- (2) The time for filing a notice of appeal from the reimposed judgment and sentence.

Nothing in this section limits an applicant's right to habeas corpus.

An Act to enact a procedure for delayed appeal if the petitioner was unconstitutionally denied the right of appeal.

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I certify that the attached Act originated in the

HOUSE as Bill No. 1077

Chief Clerk

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Speaker of the House

Attest:

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1077
File No. _____
Chapter No. _____

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Received at this Executive Office this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor

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The attached Act is hereby approved this _____ day of _____ , A.D., 20____

Governor

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STATE OF SOUTH DAKOTA,
ss.

Office of the Secretary of State

Filed _____ , 20____
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State