

State of South Dakota

NINETY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2018

400Z0564

HOUSE BILL NO. 1054

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 crimes that are
2 considered violent for parole calculation purposes.

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

4 Section 1. That § 24-15A-32 be amended to read:

5 24-15A-32. Each inmate sentenced to a penitentiary term, except those under a sentence of
6 life or death, or determined to be ineligible for parole as authorized in § 24-15A-32.1, shall have
7 an initial parole date set by the department. This date shall be calculated by applying the
8 percentage indicated in the following grid to the full term of the inmate's sentence pursuant to
9 § 22-6-1. The following crimes or an attempt to commit, or a conspiracy to commit, or a
10 solicitation to commit, any of the following crimes shall be considered a violent crime for
11 purposes of setting an initial parole date: murder, manslaughter, rape, aggravated assault, riot,
12 robbery, burglary in the first degree ~~or~~, burglary in the second degree if committed before July
13 1, 2006, arson, kidnapping, felony sexual contact as defined in §§ 22-22-7 and 22-22-19.1, child
14 abuse, felony sexual contact as defined in § 22-22-7.2, felony stalking as defined in §§ 22-19A-2
15 and 22-19A-3, photographing a child in an obscene act, felony assault as defined in §§ 22-18-26



1 and 22-18-29, felony simple assault as defined in § 22-18-1, aggravated criminal battery of an
 2 unborn child as defined in § 22-18-1.3, aggravated battery of an infant as defined in § 22-18-1.4,
 3 assault with intent to cause serious permanent disfigurement as defined in § 22-18-1.5,
 4 commission of a felony while armed as defined in §§ 22-14-12 and 22-14-13.1, discharging a
 5 firearm at an occupied structure or motor vehicle as defined in § 22-14-20, discharging a firearm
 6 from a moving vehicle as defined in § 22-14-21, criminal pedophilia as defined in § 22-22-30.1,
 7 threatening to commit a sexual offense as defined in § 22-22-45, abuse or neglect of a disabled
 8 adult as defined in § 22-46-2, and aggravated incest as defined in §§ 22-22A-3 and 22-22A-3.1:

Felony Convictions				
Felony Class	First	Second	Third	
Nonviolent				
Class 6	.25	.30	.40	
Class 5	.25	.35	.40	
Class 4	.25	.35	.40	
Class 3	.30	.40	.50	
Class 2	.30	.40	.50	
Class 1	.35	.40	.50	
Class C	.35	.40	.50	
Violent				
Class 6	.35	.45	.55	
Class 5	.40	.50	.60	
Class 4	.40	.50	.65	
Class 3	.50	.60	.70	
Class 2	.50	.65	.75	
Class 1	.50	.65	.75	
Class C	.50	.65	.75	
Class B	1.0	1.0	1.0	

1 Class A 1.0 1.0 1.0

2 Each inmate shall serve at least sixty days prior to parole release. Inmates with life sentences
3 are not eligible for parole. An initial parole date through the application of this grid may be
4 applied to a life sentence only after the sentence is commuted to a term of years. A Class A or
5 B felony commuted to a number of years shall be applied to the Class C violent column of the
6 grid. An inmate convicted of a Class A or B felony who was a juvenile at the time of the offense
7 and receives a sentence of less than life shall be applied to the Class C violent column of the
8 grid.