

State of South Dakota

NINETIETH SESSION
LEGISLATIVE ASSEMBLY, 2015

373W0298

HOUSE BILL NO. 1159

Introduced by: Representatives Hickey, Bolin, Heinemann (Leslie), Killer, Kirschman, Qualm, and Willadsen and Senators Sutton, Heinert, and Hunhoff (Bernie)

1 FOR AN ACT ENTITLED, An Act to permit South Dakotans to express opposition to the death
2 penalty when applying for a state issued identification card.

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

4 Section 1. That chapter 23A-27A be amended by adding thereto a NEW SECTION to read
5 as follows:

6 A person, eighteen years of age or older, may express personal opposition to the death
7 penalty by checking the box on the driver license or identification card application. The
8 Department of Public Safety shall include the following question on the applications for a driver
9 license or identification card: "Should I die as a result of a violent crime, it is my wish that no
10 person found guilty of homicide for my killing be subject to a death sentence." Checking the box
11 authorizes the Department of Public Safety to include the person's name, date of birth, and
12 social security number in a database of persons opposed to the death penalty. All information
13 included in the database is confidential and may only be used if the person is a victim of a crime
14 where the death penalty may be imposed. If the person is a victim of a crime where the death
15 penalty may be imposed, the court may request that the department verify whether the person



1 is included in the database. If the victim's name, date of birth, and social security number, is
2 included on the list, the department shall forward the information to the court. When
3 determining whether the death penalty should be imposed, the court shall consider the victim's
4 inclusion on the database as evidence that the victim was opposed to the death penalty.

5 A person may request removal from the database at any time with a signed and notarized
6 request for removal mailed to the department or in person, with identification, at any location
7 that accepts applications for a driver license or identification card. The department shall remove
8 the person's name and other information from the database within one month of a request for
9 removal.