



2023 South Dakota Legislature

House Bill 1160

Introduced by: **Representative Karr**

1 **An Act to limit probation for offenders with four or more felony convictions.**

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

3 **Section 1. That § 24-15A-32 be AMENDED:**

4 **24-15A-32.** Each inmate sentenced to a penitentiary term, except those under a
 5 sentence of life or death, or determined to be ineligible for parole as authorized in § 24-
 6 15A-32.1, shall have an initial parole date set by the department. This date shall be
 7 calculated by applying the percentage indicated in the following grid to the full term minus
 8 any suspended time of the inmate's sentence pursuant to § 22-6-1. The following crimes
 9 or an attempt to commit, or a conspiracy to commit, or a solicitation to commit, any of
 10 the following crimes shall be considered a violent crime for purposes of setting an initial
 11 parole date: murder, manslaughter, rape, aggravated assault, riot, robbery, burglary in
 12 the first degree, burglary in the second degree if committed before July 1, 2006, arson,
 13 kidnapping, felony sexual contact as defined in § 22-22-7, child abuse, felony sexual
 14 contact as defined in § 22-22-7.2, felony stalking as defined in §§ 22-19A-2 and 22-19A-
 15 3, photographing a child in an obscene act, felony assault as defined in §§ 22-18-26 and
 16 22-18-29, felony simple assault as defined in § 22-18-1, aggravated criminal battery of
 17 an unborn child as defined in § 22-18-1.3, aggravated battery of an infant as defined in
 18 § 22-18-1.4, assault with intent to cause serious permanent disfigurement as defined in
 19 § 22-18-1.5, commission of a felony while armed as defined in § 22-14-12, discharging a
 20 firearm at an occupied structure or motor vehicle as defined in § 22-14-20, discharging a
 21 firearm from a moving vehicle as defined in § 22-14-21, criminal pedophilia, threatening
 22 to commit a sexual offense as defined in § 22-22-45, abuse or neglect of a disabled adult
 23 as defined in § 22-46-2, and aggravated incest as defined in §§ 22-22A-3 and 22-22A-
 24 3.1:

25 Felony Convictions

Felony Class	First	Second	Third	<u>Fourth and subsequent</u>
2				
3 Nonviolent				
4 Class 6	.25	.30	.40	<u>.60</u>
5 Class 5	.25	.35	.40	<u>.60</u>
6 Class 4	.25	.35	.40	<u>.60</u>
7 Class 3	.30	.40	.50	<u>.70</u>
8 Class 2	.30	.40	.50	<u>.70</u>
9 Class 1	.35	.40	.50	<u>.70</u>
10 Class C	.35	.40	.50	<u>.70</u>
11 Violent				
12 Class 6	.35	.45	.55	<u>.75</u>
13 Class 5	.40	.50	.60	<u>.80</u>
14 Class 4	.40	.50	.65	<u>.85</u>
15 Class 3	.50	.60	.70	<u>.90</u>
16 Class 2	.50	.65	.75	<u>.95</u>
17 Class 1	.50	.65	.75	<u>.95</u>
18 Class C	.50	.65	.75	<u>.95</u>
19 Class B	1.0	1.0	1.0	<u>1.0</u>
20 Class A	1.0	1.0	1.0	<u>1.0</u>

21 The application of the violent or nonviolent column of the grid is based on whether
 22 the inmate's current sentence is for a violent or nonviolent crime. Any prior felony shall
 23 be considered regardless of whether it is violent or nonviolent when determining which
 24 percentage to apply to the inmate's parole date calculation. Each inmate shall serve at
 25 least sixty days prior to parole release. Inmates with life sentences are not eligible for
 26 parole except as provided in §§ 24-15A-55 to 24-15A-68, inclusive. An initial parole date
 27 through the application of this grid may be applied to a life sentence only after the
 28 sentence is commuted to a term of years. A Class A or B felony commuted to a number
 29 of years shall be applied to the Class C violent column of the grid. An inmate convicted of
 30 a Class A or B felony who was a juvenile at the time of the offense and receives a sentence
 31 of less than life shall be applied to the Class C violent column of the grid.