

State of South Dakota

EIGHTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2014

466V0638

HOUSE BILL NO. 1183

Introduced by: Representative Hickey and Senator Sutton

1 FOR AN ACT ENTITLED, An Act to prospectively repeal the death penalty.

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

3 Section 1. That § 22-6-1 be amended to read as follows:

4 22-6-1. Except as otherwise provided by law, felonies are divided into the following nine
5 classes which are distinguished from each other by the following maximum penalties which are
6 authorized upon conviction:

- 7 (1) Class A felony: ~~death or~~ life imprisonment in the state penitentiary. A lesser sentence
8 than ~~death or~~ life imprisonment may not be given for a Class A felony. In addition,
9 a fine of fifty thousand dollars may be imposed;
- 10 (2) Class B felony: life imprisonment in the state penitentiary. A lesser sentence may not
11 be given for a Class B felony. In addition, a fine of fifty thousand dollars may be
12 imposed;
- 13 (3) Class C felony: life imprisonment in the state penitentiary. In addition, a fine of fifty
14 thousand dollars may be imposed;
- 15 (4) Class 1 felony: fifty years imprisonment in the state penitentiary. In addition, a fine



1 of fifty thousand dollars may be imposed;

2 (5) Class 2 felony: twenty-five years imprisonment in the state penitentiary. In addition,
3 a fine of fifty thousand dollars may be imposed;

4 (6) Class 3 felony: fifteen years imprisonment in the state penitentiary. In addition, a fine
5 of thirty thousand dollars may be imposed;

6 (7) Class 4 felony: ten years imprisonment in the state penitentiary. In addition, a fine of
7 twenty thousand dollars may be imposed;

8 (8) Class 5 felony: five years imprisonment in the state penitentiary. In addition, a fine
9 of ten thousand dollars may be imposed; and

10 (9) Class 6 felony: two years imprisonment in the state penitentiary or a fine of four
11 thousand dollars, or both.

12 If the defendant is under the age of eighteen years at the time of the offense and found guilty
13 of a Class A or B felony, the maximum sentence may be life imprisonment in the state
14 penitentiary. In addition, a fine of fifty thousand dollars may be imposed.

15 The court, in imposing sentence on a defendant who has been found guilty of a felony, shall
16 order in addition to the sentence that is imposed pursuant to the provisions of this section, that
17 the defendant make restitution to any victim in accordance with the provisions of chapter 23A-
18 28.

19 Nothing in this section limits increased sentences for habitual criminals under §§ 22-7-7,
20 22-7-8, and 22-7-8.1.

21 Section 2. Nothing in this Act is effective to alter, mitigate, or suspend the execution of any
22 death sentence imposed prior to July 1, 2014. Nothing in this Act gives rise to any cause of
23 action to alter, mitigate, or suspend the execution of any death sentence imposed prior to July 1,
24 2014.