



2021 South Dakota Legislature

House Bill 1184

Introduced by: **Representative Pischke**

1 **An Act to revise provisions on aiding, abetting, or advising.**

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

3 **Section 1.** That § 22-3-3 be AMENDED.

4 **22-3-3. Aiding, abetting, or advising--Accountability as principal.**

5 Any person who, with the intent to promote or facilitate the commission of a crime,
6 aids, abets, or advises another person in planning or committing the crime, is legally
7 accountable, as a principal to the crime.

8 However, no person who aids, abets, or advises a crime may receive a longer
9 sentence, whether through a conviction or through a plea agreement, than the principal
10 receives for the crime or related crimes derived from the same set of circumstances. This
11 prohibition does not apply to any additional crimes the person committed independent of
12 the principal.

13 **Section 2.** That a NEW SECTION be added:

14 **23A-31-1.1. Aiding, abetting, or advising--Principal--Sentence--Correction.**

15 A motion may be brought before the court to correct a sentence for a person
16 convicted of aiding, abetting, or advising the principal, whether through a conviction or a
17 plea agreement, if the principal received a shorter sentence for that crime than the person,
18 in violation of § 22-3-3. The court shall reduce the sentence to comply with § 22-3-3.