

State of South Dakota

EIGHTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2010

923R0697

HOUSE BILL NO. 1245

Introduced by: Representatives Lange, Blake, Feickert, Hunhoff (Bernie), Kirschman, Lucas, Nygaard, Schrempp, Solberg, and Thompson and Senators Hundstad, Jerstad, and Merchant

1 FOR AN ACT ENTITLED, An Act to repeal the death penalty and commute certain death
2 sentences to life imprisonment.

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

4 Section 1. That §§ 23A-27A-1 to 23A-27A-44, inclusive, be repealed.

5 Section 2. Any court having jurisdiction over a person previously sentenced to death for a
6 Class A felony shall have such person brought before the court, and the court shall sentence
7 such person to life imprisonment.

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

9 22-6-1. Except as otherwise provided by law, felonies are divided into the following nine
10 classes which are distinguished from each other by the following maximum penalties which are
11 authorized upon conviction:

12 (1) Class A felony: ~~death or~~ life imprisonment in the state penitentiary. A lesser sentence
13 than ~~death or~~ life imprisonment may not be given for a Class A felony. In addition,
14 a fine of fifty thousand dollars may be imposed;



- 1 (2) Class B felony: life imprisonment in the state penitentiary. A lesser sentence may not
2 be given for a Class B felony. In addition, a fine of fifty thousand dollars may be
3 imposed;
- 4 (3) Class C felony: life imprisonment in the state penitentiary. In addition, a fine of fifty
5 thousand dollars may be imposed;
- 6 (4) Class 1 felony: fifty years imprisonment in the state penitentiary. In addition, a fine
7 of fifty thousand dollars may be imposed;
- 8 (5) Class 2 felony: twenty-five years imprisonment in the state penitentiary. In addition,
9 a fine of fifty thousand dollars may be imposed;
- 10 (6) Class 3 felony: fifteen years imprisonment in the state penitentiary. In addition, a fine
11 of thirty thousand dollars may be imposed;
- 12 (7) Class 4 felony: ten years imprisonment in the state penitentiary. In addition, a fine of
13 twenty thousand dollars may be imposed;
- 14 (8) Class 5 felony: five years imprisonment in the state penitentiary. In addition, a fine
15 of ten thousand dollars may be imposed; and
- 16 (9) Class 6 felony: two years imprisonment in the state penitentiary or a fine of four
17 thousand dollars, or both.

18 The court, in imposing sentence on a defendant who has been found guilty of a felony, shall
19 order in addition to the sentence that is imposed pursuant to the provisions of this section, that
20 the defendant make restitution to any victim in accordance with the provisions of chapter 23A-
21 28.

22 Nothing in this section limits increased sentences for habitual criminals under §§ 22-7-7,
23 22-7-8, and 22-7-8.1.