



2022 South Dakota Legislature  
**Senate Bill 169**  
**ENROLLED**

AN ACT

**ENTITLED An Act to establish a means for certain Department of Corrections inmates to earn credit against fines or costs ordered by the sentencing court.**

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

**Section 1. That chapter 23A-27 be amended with a NEW SECTION:**

If the sentencing court orders a defendant to the state penitentiary and the defendant objects at sentencing to the fines or costs imposed as a portion of the punishment on the basis the defendant will be ineligible to receive a wage for work performed while incarcerated because the defendant does not have a verifiable Social Security number, the defendant is entitled to a hearing at which the court shall determine whether there is good cause to reduce the fines or costs pursuant to Section 2 of this Act by a preponderance of the evidence. In making this determination, the court shall consider the defendant's employment circumstances, potential for employment and vocational training, financial condition, and other factors as may be appropriate.

**Section 2. That chapter 23A-27 be amended with a NEW SECTION:**

If the sentencing court finds good cause to reduce the fees or costs imposed under Section 1 of this Act, the court shall issue an order stating that the defendant shall be credited the current rate of pay for institutional work assignments against the fines or costs imposed in the priority ordered by the court. The reduction must be in accordance with work performed by the defendant related to reasonable institutional work assignments. Any work required as a disciplinary sanction for misconduct may not count as a credit against fines or costs imposed. The Department of Corrections shall record the number of hours the defendant worked pursuant to this section. The defendant shall be responsible for any outstanding amount following release from incarceration.

An Act to establish a means for certain Department of Corrections inmates to earn credit against fines or costs ordered by the sentencing court.

\_\_\_\_\_  
I certify that the attached Act originated in  
the:  
Senate as Bill No. 169

\_\_\_\_\_  
Received at this Executive Office  
this \_\_\_\_ day of \_\_\_\_\_,  
2022 at \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of the Senate

By \_\_\_\_\_  
for the Governor

\_\_\_\_\_  
President of the Senate

The attached Act is hereby  
approved this \_\_\_\_ day of  
\_\_\_\_\_, A.D., 2022

Attest:

\_\_\_\_\_  
Secretary of the Senate

\_\_\_\_\_  
Governor

**STATE OF SOUTH DAKOTA,**

ss.

Office of the Secretary of State

\_\_\_\_\_  
Speaker of the House

Attest:

Filed \_\_\_\_\_, 2022  
at \_\_\_\_\_ o'clock \_\_ M.

\_\_\_\_\_  
Chief Clerk

\_\_\_\_\_  
Secretary of State

Senate Bill No. 169  
File No. \_\_\_\_\_  
Chapter No. \_\_\_\_\_

By \_\_\_\_\_  
Asst. Secretary of State