

# State of South Dakota

NINETY-FIRST SESSION  
LEGISLATIVE ASSEMBLY, 2016

400X0296

## SENATE BILL NO. 44

Introduced by: The Committee on Judiciary at the request of the Office of the Attorney General

1 FOR AN ACT ENTITLED, An Act to classify vehicular homicide as a crime of violence.

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

3 Section 1. That subdivision (9) of § 22-1-2 be amended to read:

4 (9) "Crime of violence," any of the following crimes or an attempt to commit, ~~or~~ a  
5 conspiracy to commit, or a solicitation to commit any of the following crimes:  
6 murder, manslaughter, vehicular homicide, rape, aggravated assault, riot, robbery,  
7 burglary in the first degree, arson, kidnapping, felony sexual contact as defined in  
8 § 22-22-7, felony child abuse as defined in § 26-10-1, or any other felony in the  
9 commission of which the perpetrator used force, ~~or~~ was armed with a dangerous  
10 weapon, or used any explosive or destructive device;

11 Section 2. That § 24-15A-32 be amended to read:

12 24-15A-32. Each inmate sentenced to a penitentiary term, except those under a sentence of  
13 life or death, or determined to be ineligible for parole as authorized in § 24-15A-32.1, shall have  
14 an initial parole date set by the department. This date shall be calculated by applying the  
15 percentage indicated in the following grid to the full term of the inmate's sentence pursuant to



1 § 22-6-1. The following crimes or an attempt to commit, ~~or~~ a conspiracy to commit, or a  
 2 solicitation to commit; any of the following crimes shall be considered a violent crime for  
 3 ~~purposes~~ the purpose of setting an initial parole date: murder, manslaughter, vehicular homicide,  
 4 rape, aggravated assault, riot, robbery, burglary in the first degree or burglary in the second  
 5 degree if committed before July 1, 2006, arson, kidnapping, felony sexual contact as defined in  
 6 §§ 22-22-7 and 22-22-19.1, child abuse, felony sexual contact as defined in § 22-22-7.2, felony  
 7 stalking as defined in §§ 22-19A-2 and 22-19A-3, photographing a child in an obscene act,  
 8 felony assault as defined in § 22-18-26, felony simple assault as defined in § 22-18-1,  
 9 commission of a felony while armed as defined in §§ 22-14-12 and 22-14-13.1, discharging a  
 10 firearm at an occupied structure or motor vehicle as defined in § 22-14-20, discharging a firearm  
 11 from a moving vehicle as defined in § 22-14-21, criminal pedophilia as defined in § 22-22-30.1,  
 12 threatening to commit a sexual offense as defined in § 22-22-45, abuse or neglect of a disabled  
 13 adult as defined in § 22-46-2, and aggravated incest as defined in §§ 22-22A-3 and 22-22A-3.1:

Felony Convictions

15	Felony Class	First	Second	Third
16	Nonviolent			
17	Class 6	.25	.30	.40
18	Class 5	.25	.35	.40
19	Class 4	.25	.35	.40
20	Class 3	.30	.40	.50
21	Class 2	.30	.40	.50
22	Class 1	.35	.40	.50
23	Class C	.35	.40	.50
24	Violent			
25	Class 6	.35	.45	.55
26	Class 5	.40	.50	.60

1	Class 4	.40	.50	.65
2	Class 3	.50	.60	.70
3	Class 2	.50	.65	.75
4	Class 1	.50	.65	.75
5	Class C	.50	.65	.75
6	Class B	1.0	1.0	1.0
7	Class A	1.0	1.0	1.0

8        Each inmate shall serve at least sixty days ~~prior to~~ before parole release. Inmates with life  
9 sentences are not eligible for parole. An initial parole date through the application of this grid  
10 may be applied to a life sentence only after the sentence is commuted to a term of years. A Class  
11 A or B felony commuted to a number of years shall be applied to the Class C violent column  
12 of the grid. An inmate convicted of a Class A or B felony who was a juvenile at the time of the  
13 offense and receives a sentence of less than life shall be applied to the Class C violent column  
14 of the grid.