



2021 South Dakota Legislature
Senate Bill 7
ENROLLED

AN ACT

ENTITLED An Act to permit a government agency to qualify as a victim for purposes of restitution in criminal cases.

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

Section 1. That § 23A-28-2 be AMENDED.

23A-28-2. Definition of terms.

Terms used by this chapter mean:

- (1) "Community service restitution," public service work provided under court order that benefits the general public which includes: charitable agencies, governmental agencies, educational institutions, the handicapped, the elderly, the ecology, the church of the offender's choice, and any other agencies that the sentencing judge deems reasonably rehabilitative to the offender. No work service may result in gain to any private individual or to a private corporation;
- (2) "Criminal activities," includes any crime for which there is a plea of guilty or verdict of guilty upon which a judgment of conviction may be rendered and any other crime committed after June 30, 1979, which is admitted by the defendant, whether or not prosecuted. However, the term does not include petty offenses;
- (3) "Pecuniary damages," all damages which a victim could recover against the defendant in a civil action arising out of the same facts or event, except punitive damages and damages for pain, suffering, mental anguish, and loss of consortium. Without limitation, the term includes damages for wrongful death;
- (4) "Restitution," full or partial payment of pecuniary damages to a victim;
- (5) "Victim," any person, as defined in subdivision 22-1-2(31), who has suffered pecuniary damages as a result of the defendant's criminal activities, including any person or government agency who has by contract or by statute undertaken to indemnify another or to pay or provide a specified or determinable amount or benefit upon determinable contingencies. Any victim who has suffered pecuniary

damages has priority of claim as opposed to any person or government agency who has a claim to indemnity or subrogation as a result of the same defendant's criminal activity.

An Act to permit a government agency to qualify as a victim for purposes of restitution in criminal cases.

I certify that the attached Act originated in
the:
Senate as Bill No. 7

Received at this Executive Office
this ____ day of _____,
2021 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., 2021

Attest:

Secretary of the Senate

Governor

STATE OF SOUTH DAKOTA,

ss.

Office of the Secretary of State

Speaker of the House

Attest:

Filed _____, 2021
at _____ o'clock __ M.

Chief Clerk

Secretary of State

Senate Bill No. 7
File No. _____
Chapter No. _____

By _____
Asst. Secretary of State