

State of South Dakota

EIGHTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2010

394R0638

HOUSE BILL NO. 1177

Introduced by: Representatives Deadrick, Cutler, and Russell and Senators Tieszen and Abdallah

1 FOR AN ACT ENTITLED, An Act to prohibit the granting of subsequent suspended
2 impositions of sentence to the same defendant.

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

4 Section 1. That § 23A-27-13 be amended to read as follows:

5 23A-27-13. Upon receiving a verdict or plea of guilty for a misdemeanor or felony not
6 punishable by death or life imprisonment by a person never before convicted of a crime which
7 at the time of conviction thereof would constitute a felony in this state, a court having
8 jurisdiction of the defendant, ~~when~~ if satisfied that the ends of justice and the best interest of the
9 public as well as the defendant will be served thereby, may, without entering a judgment of
10 guilt, and with the consent of the defendant, suspend the imposition of sentence and place the
11 defendant on probation for such period and upon such terms and conditions as the court may
12 deem best. No person who has previously been granted, whether in this state or any other, a
13 suspended imposition of sentence is eligible to be granted a second suspended imposition of
14 sentence. A court may revoke such suspension at any time during the probationary period and
15 impose and execute sentence without diminishment or credit for any of the probationary period.

