

State of South Dakota

NINETIETH SESSION
LEGISLATIVE ASSEMBLY, 2015

400W0284

SENATE BILL NO. 15

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

1 FOR AN ACT ENTITLED, An Act to allow for discretionary appeals of illegal sentences.

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

3 Section 1. That chapter 23A-32 be amended by adding thereto a NEW SECTION to read
4 as follows:

5 An appeal to the Supreme Court may be taken by the state or the defendant from an order
6 granting or denying a motion to correct an illegal sentence or an order granting or denying a
7 motion to correct a sentence imposed in an illegal manner. An appeal under this section is not
8 a matter of right but of sound judicial discretion. An appeal from an illegal sentence shall be
9 taken in the same manner as an intermediate appeal pursuant to subdivision 15-26A-3(6).

