

# State of South Dakota

NINETY-FIRST SESSION  
LEGISLATIVE ASSEMBLY, 2016

990X0347

## HOUSE JUDICIARY ENGROSSED NO. **HB 1167** - 02/17/2016

**This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.**

Introduced by: Representatives Haugaard, Bolin, DiSanto, Greenfield (Lana), Marty, Qualm, Rasmussen, Schoenbeck, Steinhauer, Werner, and Wiik and Senators Holien, Jensen (Phil), and Monroe

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the use of a  
2 suspended imposition of sentence for a misdemeanor and a felony.

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

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

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, 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 for a felony, is eligible to be granted a second suspended



1 imposition of sentence for a felony. A court may revoke such suspension at any time during the  
2 probationary period and impose and execute sentence without diminishment or credit for any  
3 of the probationary period.

4 Section 2. That the code be amended by adding a NEW SECTION to read:

5 Upon receiving a verdict or plea of guilty for a misdemeanor, a court having jurisdiction of  
6 the defendant, if satisfied that the ends of justice and the best interest of the public as well as  
7 the defendant will be served thereby, may, without entering a judgment of guilt, and with the  
8 consent of the defendant, suspend the imposition of sentence and place the defendant on  
9 probation for such period and upon such terms and conditions as the court may deem best. No  
10 person who has previously been granted, whether in this state or any other, a suspended  
11 imposition of sentence for a misdemeanor, is eligible to be granted a second suspended  
12 imposition of sentence for a misdemeanor. A court may revoke such suspension at any time  
13 during the probationary period and impose and execute sentence without diminishment or credit  
14 for any of the probationary period.