

State of South Dakota

EIGHTIETH LEGISLATIVE ASSEMBLY, 2005

916L0049

SENATE BILL NO. _____

Introduced by: _____

1 FOR AN ACT ENTITLED, An Act to DEUEL-CLASS C FELONY.

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

3 Section 1. That § 22-6-1 be amended to read as follows:

4 22-6-1. Except as otherwise provided by law, felonies are divided into the following ~~eight~~
5 nine classes which are distinguished from each other by the following maximum penalties
6 which are authorized upon conviction:

7 (1) Class A felony: death or life imprisonment in the state penitentiary. A lesser sentence
8 than death or life imprisonment may not be given for a Class A felony. In addition,
9 a fine of fifty thousand dollars may be imposed;

10 (2) Class B felony: life imprisonment in the state penitentiary. A lesser sentence may not
11 be given for a Class B felony. In addition, a fine of fifty thousand dollars may be
12 imposed;

13 (3) Class C felony: life imprisonment in the state penitentiary. In addition, a fine of fifty
14 thousand dollars may be imposed;

15 (4) Class 1 felony: ~~life~~ fifty years imprisonment in the state penitentiary. In addition, a
16 fine of ~~twenty-five~~ fifty thousand dollars may be imposed;



1 ~~(4)~~(5) Class 2 felony: twenty-five years imprisonment in the state penitentiary. In addition,
2 a fine of ~~twenty-five~~ fifty thousand dollars may be imposed;

3 ~~(5)~~(6) Class 3 felony: fifteen years imprisonment in the state penitentiary. In addition, a fine
4 of ~~fifteen~~ thirty thousand dollars may be imposed;

5 ~~(6)~~(7) Class 4 felony: ten years imprisonment in the state penitentiary. In addition, a fine of
6 ~~ten~~ twenty thousand dollars may be imposed;

7 ~~(7)~~(8) Class 5 felony: five years imprisonment in the state penitentiary. In addition, a fine
8 of ~~five~~ ten thousand dollars may be imposed; and

9 ~~(8)~~(9) Class 6 felony: two years imprisonment in the state penitentiary or a fine of ~~two~~ four
10 thousand dollars, or both.

11 The court, in imposing sentence on a defendant who has been found guilty of a felony, shall
12 order in addition to the sentence that is imposed pursuant to the provisions of this section, that
13 the defendant make restitution to any victim in accordance with the provisions of chapter 23A-
14 28.

15 Nothing in this section ~~shall limit~~ limits increased sentences for habitual criminals under
16 §§ ~~22-7-7 and 22-7-8~~, 22-7-8, and 22-7-8.1.

17 ~~Except in cases where punishment is prescribed by law, every offense declared to be a felony~~
18 ~~and not otherwise classified is a Class 6 felony.~~

19 Section 2. That § 23A-42-1 be amended to read as follows:

20 23A-42-1. There is no limitation on the time within which a prosecution for Class A, Class
21 B, or ~~Class~~ Class C felony must be commenced.