

State of South Dakota

SEVENTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 1997

664A0171

SENATE BILL NO. 96

Introduced by: The Committee on Judiciary at the request of the Chief Justice

1 FOR AN ACT ENTITLED, An Act to give the sentencing judge additional flexibility to impose
2 a county jail sentence.

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

4 Section 1. That § 23A-27-18.1 be amended to read as follows:

5 23A-27-18.1. The conditions of probation imposed pursuant to § 23A-27-12 or § 23A-27-13
6 or the conditions of suspension of execution imposed pursuant to § 23A-27-18, may include the
7 requirement that the defendant be imprisoned in the county jail for a specific period not
8 exceeding one ~~hundred eighty days~~ year or in the state penitentiary for a specific period not
9 exceeding ~~sixty days~~ six months or the sentence which was imposed or which may be imposed
10 by law, whichever is less. The imprisonment may be further restricted to certain days specified
11 by the court as part of such conditions. Any such imprisonment, either in the county jail or state
12 penitentiary, shall be credited toward any incarceration imposed upon any subsequent revocation
13 of a suspended imposition or execution of sentence. During any such imprisonment, the
14 defendant ~~shall be~~ is subject to all policies, rules and regulations of the county jail or state
15 penitentiary.