

AN ACT

ENTITLED, An Act to revise certain provisions regarding the notification of victims of crime.

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

Section 1. That § 24-15-8.1 be amended to read as follows:

24-15-8.1. The victim may request in writing to be notified by the Board of Pardons and Parole when an inmate who was convicted of committing the crime is granted parole or the inmate's parole is revoked. The board shall send the notice by first class mail to the address provided by the victim. However, the board is not liable for any damages to the victim if it fails to mail the notice.

Section 2. That § 24-15-8.2 be amended to read as follows:

24-15-8.2. The victim or the sentencing judge may request in writing to be notified by the Department of Corrections if the inmate who was convicted of committing the crime escapes or is released from the penitentiary, or placed on regularly scheduled furlough or work release pursuant to chapter 24-2, 24-4, or 24-5, or is returned from escape or removed from work release. The Department of Corrections may either telephone the victim or the sentencing judge or send the notice by first class mail to the address provided by the victim or the sentencing judge. However, the Department of Corrections is not liable for any damages to the victim or the sentencing judge if it fails either to notify the victim or the sentencing judge by telephone or to mail the notice.

Section 3. That § 24-15A-22 be amended to read as follows:

24-15A-22. The victim may request in writing to be notified by the board when an inmate who was convicted of committing the crime is released on parole or the inmate's parole is revoked. The board shall send the notice by first class mail to the address provided by the victim. However, the board is not liable for any damages to the victim if it fails to mail the notice.

Section 4. That § 23A-28C-2 be amended to read as follows:

23A-28C-2. At the commencement of a criminal proceeding subject to the terms of this chapter, the prosecutor, by first class mail, shall advise the victim of the rights set forth in this chapter. In

order to take advantage of such rights, the victim shall advise the prosecutor of the desire to participate. A victim may choose to participate only in certain enumerated phases of the proceedings. A victim wishing to participate shall advise the prosecutor or the Department of Corrections of the place where notifications required under this chapter are to be made, and of any changes in the place of notification. A prosecutor receiving notification of a victim's wish to participate shall keep record of that notification and most recent place of notification through the time of the defendant's final discharge from the criminal justice system. If the defendant is sentenced to the state prison system, the prosecutor shall forward the information to the Department of Corrections and the Department of Corrections shall keep record of the request for notification and the most recent place of notification until the defendant's final discharge from prison and parole. The request for notification and the place of notification is confidential and may not be disclosed to the defendant.

Section 5. That § 23A-28C-5 be amended to read as follows:

23A-28C-5. Any institution under the control of the Department of Corrections or the Department of Human Services, or any jail or other facility where a person is incarcerated due to the commission of a crime, shall provide notice, as soon as possible, if any of the following occur:

- (1) Upon the person's escape from custody and return to custody following escape;
- (2) Of any release from custody, including placement in an intensive supervision program or other alternative disposition, such notice to include associated conditions of release;
- (3) Upon the granting of parole or revocation of parole;
- (4) Prior to the defendant's release from custody due to expiration of sentence; and
- (5) Of any removal from an intensive supervision program or other alternative disposition.

Section 6. That chapter 23A-28C be amended by adding thereto a NEW SECTION to read as follows:

Notice as required in § 23A-28C-5 shall be provided directly to the victim by the Department of Corrections if the defendant is incarcerated in an institution under the control of the Department of

Corrections. If the defendant is incarcerated in an institution under the control of the Department of Human Services, or in any jail or in other facility due to the commission of a crime, notice as required in § 23A-28C-5 shall be provided to the state's attorney in the county where the person was convicted of that crime.

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I certify that the attached Act  
originated in the

SENATE as Bill No. 17

\_\_\_\_\_  
Secretary of the Senate

\_\_\_\_\_  
President of the Senate

Attest:

\_\_\_\_\_  
Secretary of the Senate

\_\_\_\_\_  
Speaker of the House

Attest:

\_\_\_\_\_  
Chief Clerk

Senate Bill No. 17

File No. \_\_\_\_\_

Chapter No. \_\_\_\_\_

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Received at this Executive Office  
this \_\_\_\_ day of \_\_\_\_\_ ,

19\_\_ at \_\_\_\_ M.

By \_\_\_\_\_  
for the Governor

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The attached Act is hereby  
approved this \_\_\_\_\_ day of  
\_\_\_\_\_, A.D., 19\_\_

\_\_\_\_\_  
Governor

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STATE OF SOUTH DAKOTA,  
ss.  
Office of the Secretary of State

Filed \_\_\_\_\_, 19\_\_  
at \_\_\_\_\_ o'clock \_\_ M.

\_\_\_\_\_  
Secretary of State

By \_\_\_\_\_  
Asst. Secretary of State