

AN ACT

ENTITLED, An Act to limit the application of capital punishment.

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

Section 1. That chapter 23A-27A be amended by adding thereto a NEW SECTION to read as follows:

Notwithstanding any other provisions of this chapter, no judge may impose the death penalty against any defendant if:

- (1) The defendant was less than sixteen years of age at the time when the offense occurred;
or
- (2) The defendant was mentally retarded at the time the offense occurred.

For the purposes of this section, the term, mentally retarded, includes any person with significant subaverage general intellectual functioning and deficits in adaptive behavior.

An Act to limit the application of capital punishment.

I certify that the attached Act originated in the

SENATE as Bill No. 188

Secretary of the Senate

President of the Senate

Attest:

Secretary of the Senate

Speaker of the House

Attest:

Chief Clerk

Senate Bill No. 188

File No. _____

Chapter No. _____

Received at this Executive Office this _____ day of _____,

19____ at _____ M.

By _____
for the Governor

The attached Act is hereby approved this _____ day of _____, A.D., 19____

Governor

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