

State of South Dakota

SEVENTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 1999

385C0572

SENATE BILL NO. 188

Introduced by: Senators Lange, Drake, Moore, Staggers, and Valandra and Representatives Koetzle, Hagen, Haley, Jaspers, Kooistra, Lucas, Solum, Weber, and Wilson

1 FOR AN ACT ENTITLED, An Act to limit the application of capital punishment.

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

3 Section 1. That chapter 23A-7A be amended by adding thereto a NEW SECTION to read
4 as follows:

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

7 (1) The defendant was less than twenty-one years of age at the time when the offense
8 occurred; or

9 (2) The defendant was developmentally disabled within the meaning of § 27B-1-3 at the
10 time when the offense occurred.