

State of South Dakota

SEVENTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 1999

385C0572

SENATE ENGROSSED NO. **SB188** - 2/11/99

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-27A 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 sixteen years of age at the time when the offense
8 occurred; or

9 (2) The defendant was mentally retarded at the time the offense occurred.

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

1 **BILL HISTORY**

2 1/28/99 First read in Senate and referred to Judiciary. S.J. 232

3 2/3/99 Scheduled for Committee hearing on this date.

4 2/3/99 Judiciary Do Pass Amended, Passed, AYES 5, NAYS 2. S.J. 314

5 2/5/99 Senate Deferred to another day. S.J. 358

6 2/8/99 Deferred with pending amendment (Rule 5-17). S.J. 378

7 2/10/99 Motion to Amend, Passed. S.J. 426

8 2/10/99 Senate Do Pass Amended, Passed, AYES 25, NAYS 10. S.J. 426