

# State of South Dakota

SEVENTY-FOURTH SESSION  
LEGISLATIVE ASSEMBLY, 1999

385C0572

## SENATE JUDICIARY COMMITTEE ENGROSSED NO. **SB188** - 2/4/99

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

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

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