



# State of South Dakota

SEVENTY-FOURTH SESSION  
LEGISLATIVE ASSEMBLY, 1999

400C0201

SENATE JUDICIARY COMMITTEE

ENGROSSED NO. **SB17** - 1/16/99

**This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsors.**

Introduced by: The Committee on Judiciary at the request of the Department of Corrections

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the notification of  
2 victims of crime.

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

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

5 24-15-8.1. The victim may request in writing to be notified by the Board of Pardons and  
6 Parole when an inmate who was convicted of committing the crime is granted parole or the  
7 inmate's parole is revoked. The board shall send the notice by first class mail to the address  
8 provided by the victim. However, the board is not liable for any damages to the victim if it fails  
9 to mail the notice.

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

11 24-15-8.2. The victim or the sentencing judge may request in writing to be notified by the  
12 Department of Corrections if the inmate who was convicted of committing the crime escapes or  
13 is released from the penitentiary, or placed on regularly scheduled furlough or work release  
14 pursuant to chapter 24-2, 24-4, or 24-5, or is returned from escape or removed from work  
15 release. The Department of Corrections may either telephone the victim or the sentencing judge  
16 or send the notice by first class mail to the address provided by the victim or the sentencing

1 judge. However, the Department of Corrections is not liable for any damages to the victim or  
2 the sentencing judge if it fails either to notify the victim or the sentencing judge by telephone or  
3 to mail the notice.

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

5 24-15A-22. The victim may request in writing to be notified by the board when an inmate  
6 who was convicted of committing the crime is released on parole or the inmate's parole is  
7 revoked. The board shall send the notice by first class mail to the address provided by the victim.  
8 However, the board is not liable for any damages to the victim if it fails to mail the notice.

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

10 23A-28C-2. At the commencement of a criminal proceeding subject to the terms of this  
11 chapter, the prosecutor, by first class mail, shall advise the victim of the rights set forth in this  
12 chapter. In order to take advantage of such rights, the victim shall advise the prosecutor of the  
13 desire to participate. A victim may choose to participate only in certain enumerated phases of  
14 the proceedings. A victim wishing to participate shall advise the prosecutor or the Department  
15 of Corrections of the place where notifications required under this chapter are to be made, and  
16 of any changes in the place of notification. A prosecutor receiving notification of a victim's wish  
17 to participate shall keep record of that notification and most recent place of notification through  
18 the time of the defendant's final discharge from the criminal justice system. If the defendant is  
19 sentenced to the state prison system, the prosecutor shall forward the information to the  
20 Department of Corrections and the Department of Corrections shall keep record of the request  
21 for notification and the most recent place of notification until the defendant's final discharge from  
22 prison and parole. The request for notification and the place of notification is confidential and  
23 may not be disclosed to the defendant.

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

25 23A-28C-5. Any institution under the control of the Department of Corrections or the

1 Department of Human Services, or any jail or other facility where a person is incarcerated due  
2 to the commission of a crime, shall provide notice, as soon as possible, ~~to the state's attorney in~~  
3 ~~the county wherein the person was convicted of that crime~~ if any of the following occur:

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

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

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

1 **BILL HISTORY**

2 1/12/99 First read in Senate and referred to Judiciary. S.J. 18

3 1/15/99 Scheduled for Committee hearing on this date.

4 1/15/99 Judiciary Do Pass Amended, Passed, AYES 7, NAYS 0. S.J. 51

5 1/16/99 Judiciary Hog Housed.