

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

814E0766

HOUSE BILL NO. 1265

Introduced by: Representatives Michels, Hennies (Thomas), Madsen, and McCaulley and
Senators Diedrich (Larry), Bogue, Daugaard, Moore, and Putnam

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the payment of
2 restitution by a defendant.

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

4 Section 1. That § 23A-28-8 be amended to read as follows:

5 23A-28-8. Failure of the defendant to comply with § 23A-28-3 or to comply with the plan
6 of restitution as approved or modified by the court ~~shall constitute~~ constitutes a violation of the
7 conditions of probation. Without limitation, the court may modify the plan of restitution or
8 extend the period of time for restitution, ~~but not beyond the maximum probation period~~
9 regardless of whether the defendant is no longer on probation. If the defendant fails to make
10 payment as ordered by the court, the defendant may be held in contempt of the court's order.