

# State of South Dakota

SEVENTY-SIXTH SESSION  
LEGISLATIVE ASSEMBLY, 2001

400E0229

## SENATE ENGROSSED NO. **SB 29** - 01/23/2001

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

1 FOR AN ACT ENTITLED, An Act to provide that certain offenses are violent offenses for  
2 purposes of parole eligibility.

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

4 Section 1. That § 24-15A-32 be amended to read as follows:

5 24-15A-32. Each inmate sentenced to a penitentiary term, except those under a sentence of  
6 life or death, or an indeterminate sentence which is not yet set to a term of years by the board,  
7 shall have an initial parole date set by the department. This date will be calculated by applying  
8 the percentage indicated in the following grid to the full term of the inmate's sentence pursuant  
9 to §§ 22-6-1 and ~~22-1-2(9)~~. The following crimes or an attempt to commit, or a conspiracy to  
10 commit, any of the following crimes shall be considered a violent crime for purposes of setting  
11 an initial parole date: murder, manslaughter, rape, aggravated assault, riot, robbery, burglary in  
12 the first or second degree, arson, kidnapping, felony sexual contact as defined in §§ 22-22-7 and  
13 22-22-19.1, child abuse, felony sexual contact as defined in § 22-22-7.2, felony stalking as  
14 defined in §§ 22-19A-2 and 22-19A-3, photographing a child in an obscene act, felony assault  
15 as defined in § 22-18-26, felony simple assault as defined in § 22-18-1, commission of a felony

1 while armed as defined in §§ 22-14-12 and 22-14-13.1, discharging a firearm at an occupied  
 2 structure or motor vehicle as defined in § 22-14-20, discharging a firearm from a moving vehicle  
 3 as defined in § 22-14-21, and criminal pedophilia as defined in § 22-22-30.1:

4 Felony Convictions

| 5  | Felony Class | First | Second | Third |
|----|--------------|-------|--------|-------|
| 6  | Nonviolent   |       |        |       |
| 7  | Class 6      | .25   | .30    | .40   |
| 8  | Class 5      | .25   | .35    | .40   |
| 9  | Class 4      | .25   | .35    | .40   |
| 10 | Class 3      | .30   | .40    | .50   |
| 11 | Class 2      | .30   | .40    | .50   |
| 12 | Class 1      | .35   | .40    | .50   |
| 13 | Violent      |       |        |       |
| 14 | Class 6      | .35   | .45    | .55   |
| 15 | Class 5      | .40   | .50    | .60   |
| 16 | Class 4      | .40   | .50    | .65   |
| 17 | Class 3      | .50   | .60    | .70   |
| 18 | Class 2      | .50   | .65    | .75   |
| 19 | Class 1      | .50   | .65    | .75   |
| 20 | Class B      | 1.0   | 1.0    | 1.0   |
| 21 | Class A      | 1.0   | 1.0    | 1.0   |

22 Each inmate shall serve at least sixty days prior to parole release. Inmates with life sentences  
 23 are not eligible for parole. An initial parole date through the application of this grid may be  
 24 applied to a life sentence only after the sentence is commuted to a term of years. A class A or  
 25 B felony commuted to a number of years shall be applied to the Class 1 violent column of the  
 26 grid.