

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

400E0229

SENATE BILL NO. 29

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). In addition to the crimes of violence listed in subdivision 22-1-2(9),
10 the following crimes or an attempt to commit, or a conspiracy to commit, any of the following
11 crimes shall be considered a violent crime for purposes of setting an initial parole date: child
12 abuse, felony sexual contact as defined in § 22-22-7.2, vehicular homicide, vehicular battery,
13 felony stalking as defined in §§ 22-19A-2 and 22-19A-3, photographing a child in an obscene
14 act, felony assault as defined in § 22-18-26, and felony simple assault as defined in subdivision
15 22-18-1(5):

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Felony Convictions

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Felony Class	First	Second	Third
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Nonviolent

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Class 6	.25	.30	.40
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Class 5	.25	.35	.40
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Class 4	.25	.35	.40
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Class 3	.30	.40	.50
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Class 2	.30	.40	.50
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9

Class 1	.35	.40	.50
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Violent

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Class 6	.35	.45	.55
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12

Class 5	.40	.50	.60
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13

Class 4	.40	.50	.65
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14

Class 3	.50	.60	.70
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15

Class 2	.50	.65	.75
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16

Class 1	.50	.65	.75
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17

Class B	1.0	1.0	1.0
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18

Class A	1.0	1.0	1.0
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Each inmate shall serve at least sixty days prior to parole release. Inmates with life sentences

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are not eligible for parole. An initial parole date through the application of this grid may be

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applied to a life sentence only after the sentence is commuted to a term of years. A class A or

22

B felony commuted to a number of years shall be applied to the Class 1 violent column of the

23

grid.