

# State of South Dakota

SEVENTY-NINTH SESSION  
LEGISLATIVE ASSEMBLY, 2004

400J0194

SENATE JUDICIARY COMMITTEE ENGROSSED NO.

**HB 1012 - 02/02/2004**

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

1 FOR AN ACT ENTITLED, An Act to revise the definition of a victim for purposes of  
2 determining who is permitted to speak on behalf of a victim at the time of sentencing.

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

4 Section 1. That § 23A-27-1.1 be amended to read as follows:

5 23A-27-1.1. Upon request to the court by a victim and before imposing sentence on a  
6 defendant, the victim, in the discretion of the court, may address the court concerning the  
7 emotional, physical, and monetary impact of the defendant's crime upon ~~him or her~~ the victim  
8 and the victim's family, and may comment upon the sentence which may be imposed upon the  
9 defendant.

10 The defendant shall be permitted to respond to such statements orally or by presentation of  
11 evidence; and shall be granted a reasonable continuance to refute any inaccurate or false charges  
12 or statements.

13 For the purpose of this section, the word "~~victim~~" term, victim, shall be construed to mean  
14 the actual victim or the parent, spouse, ~~or~~ next of kin, legal or physical custodian, guardian,  
15 foster parent, case worker, domestic violence advocate, or mental health counselor of any actual



- 1 victim who is ~~deceased~~, incompetent by reason of age or physical condition, who is deceased,
- 2 or whom the court ~~shall find~~ finds otherwise unable to comment.