

AN ACT

ENTITLED, An Act to revise certain provisions regarding preliminary hearings for parole violators.

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

Section 1. That § 24-15-23 be amended to read as follows:

24-15-23. Subject to the provisions of sections 2 and 3 of this Act, within ten working days of the arrest of the parolee, a preliminary hearing shall be held. The preliminary hearing shall be held before an independent hearing officer to determine if there is probable cause to believe that the parolee has violated the terms and conditions of the parolee's parole status. The parolee has the right to waive this preliminary hearing at any time after the order for arrest has been issued by the executive director of the Board of Pardons and Paroles. If probable cause is found to exist, the parolee is to be returned to the penitentiary, there to be held, for a hearing to be held before the Board of Pardons and Paroles to determine whether the parole should be revoked. If the parolee wishes to admit to an alleged violation of conditions of parole, the parolee may waive a personal appearance at the revocation hearing with the board.

Section 2. That chapter 24-15 be amended by adding thereto a NEW SECTION to read as follows:

A preliminary hearing as provided for in § 24-15-23 is not required if:

- (1) The parolee is under arrest and being held on an order issued by a jurisdiction other than the Board of Pardons and Paroles;
- (2) The parolee left the state or other approved jurisdiction without authorization and was apprehended outside of that jurisdiction; or
- (3) The parolee was convicted of a felony or misdemeanor in a South Dakota court or a court of another state or a federal court.

Section 3. That chapter 24-15 be amended by adding thereto a NEW SECTION to read as

follows:

If a preliminary hearing under § 24-15-23 is required and a parolee fails to receive a preliminary hearing prior to the parolee's return to a Department of Corrections facility, the parolee shall receive a preliminary hearing within ten working days of the parolee's return to a Department of Corrections facility.

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I certify that the attached Act
originated in the

HOUSE as Bill No. 1079

Chief Clerk

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Speaker of the House

Attest:

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1079

File No. _____

Chapter No. _____

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Received at this Executive Office
this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor

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The attached Act is hereby
approved this _____ day of
_____, A.D., 20____

Governor

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STATE OF SOUTH DAKOTA,
ss.

Office of the Secretary of State

Filed _____, 20____
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State