

State of South Dakota

SEVENTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2004

597J0688

SENATE BILL NO. 207

Introduced by: Senator Sutton (Dan)

1 FOR AN ACT ENTITLED, An Act to repeal the death penalty and commute certain death
2 sentences to life imprisonment.

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

4 Section 1. That §§ 23A-27A-1 to 23A-27A-41, inclusive, be repealed.

5 Section 2. Any court having jurisdiction over a person previously sentenced to death for a
6 Class A felony shall have such person brought before the court, and the court shall sentence
7 such person to life imprisonment.

8 Section 3. That § 22-6-1 be amended to read as follows:

9 22-6-1. Except as otherwise provided by law, felonies are divided into the following eight
10 classes which are distinguished from each other by the following maximum penalties which are
11 authorized upon conviction:

12 (1) Class A felony: ~~death~~ or life imprisonment in the state penitentiary. A lesser sentence
13 than ~~death~~ or life imprisonment may not be given for a Class A felony;

14 (2) Class B felony: life imprisonment in the state penitentiary. A lesser sentence may not
15 be given for a Class B felony;

16 (3) Class 1 felony: life imprisonment in the state penitentiary. In addition, a fine of



1 twenty-five thousand dollars may be imposed;

2 (4) Class 2 felony: twenty-five years imprisonment in the state penitentiary. In addition,
3 a fine of twenty-five thousand dollars may be imposed;

4 (5) Class 3 felony: fifteen years imprisonment in the state penitentiary. In addition, a fine
5 of fifteen thousand dollars may be imposed;

6 (6) Class 4 felony: ten years imprisonment in the state penitentiary. In addition, a fine of
7 ten thousand dollars may be imposed;

8 (7) Class 5 felony: five years imprisonment in the state penitentiary. In addition, a fine
9 of five thousand dollars may be imposed; and

10 (8) Class 6 felony: two years imprisonment in the state penitentiary or a fine of two
11 thousand dollars, or both.

12 The court, in imposing sentence on a defendant who has been found guilty of a felony, shall
13 order in addition to the sentence that is imposed pursuant to the provisions of this section, that
14 the defendant make restitution to any victim in accordance with the provisions of chapter
15 23A-28.

16 Nothing in this section shall limit increased sentences for habitual criminals under §§ 22-7-7
17 and 22-7-8.

18 Except in cases where punishment is prescribed by law, every offense declared to be a felony
19 and not otherwise classified is a Class 6 felony.