

# State of South Dakota

SEVENTY-NINTH SESSION  
LEGISLATIVE ASSEMBLY, 2004

400J0403

## SENATE ENGROSSED NO. **SB 57** - 01/26/2004

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

1 FOR AN ACT ENTITLED, An Act to repeal and revise certain provisions relating to mandatory  
2 consecutive sentences.

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

4 Section 1. That § 23A-27-36 be repealed.

5 ~~—23A-27-36. If any prisoner commits a crime, upon conviction, the sentence of the prisoner~~  
6 ~~shall not commence to run until the expiration of the last sentence of his imprisonment. The~~  
7 ~~term "prisoner" as used in this section includes every person in custody, under arrest, or under~~  
8 ~~process of law issued from a court of competent jurisdiction.~~

9 Section 2. That § 22-11A-2 be amended to read as follows:

10 22-11A-2. Any prisoner who escapes is guilty of a Class 4 felony. ~~If such prisoner is under~~  
11 ~~sentence of imprisonment, his sentence on conviction for an escape shall commence following~~  
12 ~~the expiration of the term of the last sentence of his imprisonment.~~

13 Section 3. That § 24-15A-20 be amended to read as follows:

14 24-15A-20. ~~Any~~ If a person is convicted of a felony while an inmate under the custody of  
15 the warden of the penitentiary ~~and for which,~~ the sentence ~~is made to~~ shall run consecutively and  
16 the person is not eligible for consideration for parole until serving the last of all such



1 consecutive sentences, unless the sentencing court specifically orders otherwise. In such cases  
2 ~~the~~ The parole date shall be established subject to the provisions of § 24-15A-32. This section  
3 does not apply to a person who commits a felony while on parole as defined in § 24-15A-15.

4 Section 4. That § 22-18-27 be amended to read as follows:

5 22-18-27. A penitentiary sentence arising from a conviction pursuant to § 22-18-26 may not  
6 commence until the expiration, with no allowance of good time, of the last sentence of  
7 imprisonment, ~~pursuant to § 23A-27-36.~~

8 Section 5. That § 22-11A-9 be amended to read as follows:

9 22-11A-9. A penitentiary sentence arising from a conviction under § 22-11A-8 may not  
10 commence until the expiration, with no allowance of good time, of the last sentence of  
11 imprisonment, ~~pursuant to § 23A-27-36.~~

12 Section 6. That chapter 23A-27 be amended by adding thereto a NEW SECTION to read  
13 as follows:

14 If a person is convicted of a crime committed while confined in a county or municipal jail,  
15 upon conviction, the sentence does not commence to run until the expiration of the last sentence  
16 of imprisonment, unless the sentencing court specifically orders otherwise.