

State of South Dakota

SEVENTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2004

400J0403

SENATE JUDICIARY COMMITTEE ENGROSSED NO. **SB 57** - 01/20/2004

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 That § 23A-27-36 be repealed.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



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

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

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

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

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