

State of South Dakota

EIGHTIETH SESSION
LEGISLATIVE ASSEMBLY, 2005

374L0639

HOUSE BILL NO. 1143

Introduced by: Representatives Lange, Bradford, Elliott, Gassman, Haley, Kroger, Miles, and Thompson and Senators Sutton (Dan), Bartling, Koetzle, Peterson (Jim), and Two Bulls

1 FOR AN ACT ENTITLED, An Act to repeal capital punishment.

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

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 That §§ 23A-27A-1 to 23A-27A-41, inclusive, be repealed.

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

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

8 22-6-1. Except as otherwise provided by law, felonies are divided into the following eight
9 classes which are distinguished from each other by the following maximum penalties which are
10 authorized upon conviction:

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

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

15 (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 23A-
15 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.