

# State of South Dakota

EIGHTIETH SESSION  
LEGISLATIVE ASSEMBLY, 2005

544L0443

## SENATE BILL NO. 84

Introduced by: Senators Gray, Abdallah, Kelly, Knudson, Koetzle, Moore, Olson (Ed), and Sutton (Dan) and Representatives Roberts, Buckingham, Cutler, Kraus, Miles, and Thompson

1 FOR AN ACT ENTITLED, An Act to revise the definition of victims who may address the  
2 court before sentencing is imposed.

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

4 Section 1. That § 23A-27-1.1 be amended to read as follows:

5 23A-27-1.1. Upon request to the court by a victim and before imposing sentence on a  
6 defendant, the victim, in the discretion of the court, may address the court concerning the  
7 emotional, physical, and monetary impact of the defendant's crime upon the victim and the  
8 victim's family, and may comment upon the sentence which may be imposed upon the  
9 defendant.

10 The defendant shall be permitted to respond to such statements orally or by presentation of  
11 evidence and shall be granted a reasonable continuance to refute any inaccurate or false charges  
12 or statements.

13 For the purpose of this section, the term, victim, shall be construed to mean the actual victim  
14 or the parent, spouse, next of kin, legal or physical custodian, guardian, foster parent, case  
15 worker, ~~domestic violence~~ victim advocate, or mental health counselor of any actual victim who



- 1 is incompetent by reason of age or physical condition, who is deceased, or whom the court finds
- 2 otherwise unable to comment.