

State of South Dakota

EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007

400N0376

HOUSE BILL NO. 1057

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

1 FOR AN ACT ENTITLED, An Act to require certain information in a judgment of conviction
2 for persons sentenced to the state penitentiary.

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

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

5 23A-27-4. In felony and Class 1 misdemeanor cases, the judgment of conviction shall set
6 forth the plea, the verdict or findings, and the adjudication and sentence. If the judgment is for
7 imprisonment in the state penitentiary, the judgment of conviction shall include the defendant's
8 name, the county of conviction, the judge, the prosecuting attorney, the defense attorney, the
9 docket number, the South Dakota Codified Law citation of the crime, any crime qualifier and
10 any habitual offender enhancement, the date of the offense, date of conviction, date of sentence,
11 the sentence term, any suspended time, any jail time credit granted and, in the case of multiple
12 crimes, if the sentences are to be served concurrently or consecutively. In addition, the judgment
13 of conviction involving a sentence to the state penitentiary shall indicate if the penitentiary term
14 is a condition of a suspended imposition or execution of sentence or condition of a term of
15 probation as allowed under § 23A-27-18.1. In the case of multiple convictions arising from
16 different transactions, a separate judgment of conviction shall be entered for each conviction.



1 If a defendant is found not guilty or for any other reason is entitled to be discharged, the
2 judgment therefor shall be entered forthwith. Judgments of conviction shall be signed by the
3 judge and filed with the clerk.

4 The term, crime qualifier, as used in this section means the offenses of accessory to a crime
5 pursuant to § 22-3-5; aiding, abetting, or advising in planning or committing a crime pursuant
6 to § 22-3-3; an attempt to commit a crime pursuant to § 22-4-1; or conspiracy to commit an
7 offense pursuant to § 22-3-8.

8 Section 2. That § 23A-27-30 be amended to read as follows:

9 23A-27-30. If the judgment is for imprisonment in the state penitentiary, the sheriff of the
10 county shall, upon receipt of a certified copy of the judgment, take and deliver the defendant to
11 the warden of the state penitentiary. He shall also deliver to the warden or other proper officer
12 a certified copy of the judgment containing the information required pursuant to § 23A-27-4.

13 Section 3. That chapter 24-2 be amended by adding thereto a NEW SECTION to read as
14 follows:

15 The warden may not accept delivery of a defendant to the state penitentiary without a
16 certified copy of the judgment containing the information required pursuant to § 23A-27-4.

17 Section 4. That § 24-2-2 be amended to read as follows:

18 24-2-2. If ~~a convict~~ an inmate, with a certified copy of the judgment of conviction and the
19 required official statements, is delivered to the warden of the penitentiary, the warden shall mail
20 to the clerk of courts of the sentencing county a receipt in which the warden acknowledges
21 having received the ~~convict~~ inmate.