**17:60:03:04.  Preliminary hearing.** A preliminary hearing is not required if the parolee is not under arrest on a board warrant, has signed a waiver of preliminary hearing, has left the State of South Dakota or other approved jurisdiction without authorization and was apprehended outside of that jurisdiction, or has been convicted of a felony or misdemeanor in a South Dakota court, a court of another state, or a federal court. If a preliminary hearing under SDCL 24-15-23 is required and a parolee fails to either receive or waive a preliminary hearing prior to the parolee's return to a South Dakota Department of Corrections facility, the parolee shall receive a preliminary hearing within ten working days of the parolee's return to a South Dakota Department of Corrections facility.

 After the preliminary hearing, the hearing officer shall submit to the board a written report on the officer's findings and on the officer's decision resulting from the findings. The report shall be submitted to the board within ten days after the preliminary hearing.

 **Source:** 4 SDR 54, effective February 23, 1978; 12 SDR 162, effective April 20, 1986; 30 SDR 198, effective June 23, 2004.

 **General Authority:** SDCL 24-13-7.

 **Law Implemented:** SDCL 24-15-23.