**17:60:11:03.  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 of findings and a recommended decision resulting from the findings. The report shall be submitted to the board within ten days after the preliminary hearing.

 **Source:** 24 SDR 136, effective April 14, 1998; 30 SDR 198, effective June 23, 2004.

 **General Authority:** 24-15A-42.

 **Law Implemented:** 24-15A-28.