**17:60:11:05.  Right to counsel.** If the inmate appears without legal counsel at the hearing, the board shall determine that the inmate understands the right to counsel. If the board is satisfied that the inmate understands the right to counsel and waives the right knowingly, freely, and intelligently, the board may accept the waiver of counsel and proceed. If the inmate raises any substantial reason which justifies or mitigates the inmate's action or if the reason is complex and otherwise difficult to develop or present, and if the inmate is financially unable to obtain counsel and requests counsel, the board shall notify the sentencing court, request the appointment of counsel, and continue the hearing until a later date.

**Source:** 24 SDR 136, effective April 14, 1998.

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

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