

AN ACT

ENTITLED, An Act to revise certain provisions related to clemency hearings and other hearings of the Board of Pardons and Paroles.

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

Section 1. That § 24-13-4.2 be repealed.

Section 2. That § 24-13-4.3 be repealed.

Section 3. That § 24-13-4.4 be repealed.

Section 4. That § 24-13-4.5 be repealed.

Section 5. That § 24-14-3 be amended to read as follows:

24-14-3. The executive director shall notify the attorney who prosecuted the person applying for clemency, or the attorney's successor in office, the sentencing judge, the attorney general, and the sheriff or local law enforcement agency where the offense was committed, at least thirty days prior to a hearing by the board.

Section 6. That § 24-14-4 be amended to read as follows:

24-14-4. Any applicant shall, upon notice of hearing from the board for clemency consideration, publish once each week for three consecutive weeks in one of the official newspapers designated by the county where the offense was committed, the name of the person on whose behalf the application is made, the public offense for which the person was convicted, the time of the person's conviction, and the term of imprisonment. The last publication shall be published at least twenty days before the hearing. The affidavit of the publisher of the paper showing that notice has been published shall accompany the application. This notice requirement does not apply to an applicant requesting an exceptional pardon.

Section 7. That § 24-14-8 be amended to read as follows:

24-14-8. Upon the expiration of five years following the release of an applicant from a

Department of Corrections facility who was convicted of not more than one felony, which was not an offense punishable by life imprisonment, the applicant may apply to the Board of Pardons and Paroles for an exceptional pardon. If an applicant was convicted of a crime that did not result in the applicant subsequently serving a prison sentence, the applicant may apply for an exceptional pardon if at least five years have passed from the date of the applicant's offense, if the applicant was not convicted of more than one felony, and if the offense was not punishable by life imprisonment.

Section 8. That § 24-15A-1 be amended to read as follows:

24-15A-1. The provisions of this chapter do not apply to persons sentenced to prison for crimes committed prior to July 1, 1996, except the provisions in §§ 24-15A-18 and 24-15A-19 involving multiple sentences occurring both prior and subsequent to the enactment of this chapter and the provisions of §§ 24-15A-9, 24-15A-10, 24-15A-11, 24-15A-31, 24-15A-37, 24-15A-40, and the provisions in section 12 of this Act.

Section 9. That § 24-15A-9 be amended to read as follows:

24-15A-9. The chair of the board may designate individual parole board members as hearing officers who may conduct hearings pursuant to this chapter and chapters 24-13, 24-14, and 24-15, take testimony, and make recommendations to the board. The recommendation shall be in writing and reviewed by the board or a panel of the board who may adopt, modify, or reject the recommendations.

Section 10. That § 24-15A-10 be amended to read as follows:

24-15A-10. The chair of the board may designate panels of two or more board members to conduct hearings pursuant to this chapter and chapters 24-13, 24-14, and 24-15, take testimony, and take final action, exclusive of a clemency recommendation to the Governor in accordance with § 24-13-4.6.

Section 11. That § 24-15A-11 be amended to read as follows:

24-15A-11. No person may be paroled or denied parole nor may a person's parole be revoked or rescinded without the concurrence of two board members.

Section 12. That chapter 24-15A be amended by adding thereto a NEW SECTION to read as follows:

No decision made by a panel of two or more board members may be appealed to the Board of Pardons and Paroles. Any panel designated by the chair shall exercise the same authority and assume the same responsibilities as the full Board of Pardons and Paroles in those actions that the panel is authorized to take.

An Act to revise certain provisions related to clemency hearings and other hearings of the Board of Pardons and Paroles.

=====

I certify that the attached Act
originated in the

HOUSE as Bill No. 1020

Chief Clerk
=====

Speaker of the House

Attest:

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1020
File No. _____
Chapter No. _____

=====

Received at this Executive Office
this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor
=====

The attached Act is hereby
approved this _____ day of
_____, A.D., 20____

Governor
=====

STATE OF SOUTH DAKOTA,
ss.

Office of the Secretary of State

Filed _____, 20____
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State