

# State of South Dakota

EIGHTY-FIFTH SESSION  
LEGISLATIVE ASSEMBLY, 2010

400R0387

## SENATE BILL NO. 55

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

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding parole eligibility.

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

3 Section 1. That § 24-15A-29 be amended to read as follows:

4 24-15A-29. If a parole is revoked, the board shall establish a discretionary parole date of not  
5 more than two years from the date of revocation. Subsequent discretionary hearings shall be  
6 held at intervals of not more than two years. The board is not required to see an inmate for a  
7 discretionary parole hearing at two-year intervals following a revocation if the inmate receives  
8 an additional felony sentence or has a suspended sentence imposed which carries a first parole  
9 date longer than two years from the revocation. If a suspended sentence is revoked and the  
10 sentence is imposed, a discretionary parole date shall be calculated based on the entire imposed  
11 term.

12 Section 2. That § 24-15A-16.1 be amended to read as follows:

13 24-15A-16.1. If a person receives a suspended imposition of sentence for an offense  
14 committed on or after July 1, 2008, and that offense constitutes a felony under the laws of the  
15 state, any other state, or the United States at the time of the suspension of imposition, that



1 offense, whether or not discharge and dismissal have occurred, shall be considered a prior felony  
2 conviction for purposes of establishment of an initial parole date pursuant to this chapter. The  
3 date of the first order suspending the imposition of sentence, whether or not discharge and  
4 dismissal have occurred, shall be the date of conviction for purposes of establishment of the  
5 number of felony convictions needed to calculate an initial parole date pursuant to this chapter.