

State of South Dakota

EIGHTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2011

400S0185

HOUSE BILL NO. 1018

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

1 FOR AN ACT ENTITLED, An Act to provide for a partial early final discharge from parole.

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

3 Section 1. That chapter 24-15A be amended by adding thereto a NEW SECTION to read
4 as follows:

5 Upon the recommendation of the supervising agent, the board may grant a partial early final
6 discharge for a parolee or person serving a suspended sentence under supervision of the board
7 if the board is satisfied that a partial early final discharge would be in the best interests of
8 society and the inmate. A partial early final discharge is a reduction of the sentence term in an
9 amount less than the amount to discharge the inmate from supervision. A partial early final
10 discharge shall impact the inmate's sentence discharge date pursuant to §§ 24-15A-6 and 24-5-1.
11 There is no entitlement to a partial early final discharge. Neither this section nor its application
12 may be the basis for establishing a constitutionally protected liberty, property, or due process
13 interest in any inmate.

14 Section 2. That § 24-15A-6 be amended to read as follows:

15 24-15A-6. The department shall establish the sentence discharge date for each inmate based



1 on the total sentence length, minus court ordered jail time credit. Each inmate shall be under the
2 jurisdiction of the department, either incarcerated or under parole release or a combination, for
3 the entire term of the inmate's total sentence length unless the board grants an early final
4 discharge pursuant to § 24-15A-8, a partial early final discharge pursuant to section 1 of this
5 Act, the court modifies the sentence or the sentence is commuted.

6 Section 3. That § 24-5-2 be amended to read as follows:

7 24-5-2. ~~Whenever~~ If any inmate has been discharged under the provisions of § 24-5-1, 24-5-
8 7, or section 1 of this Act, the inmate shall, at the time of discharge, be considered as restored
9 to the full rights of citizenship. At the time of the discharge of any inmate under the provisions
10 of this chapter, the inmate shall receive from the secretary of corrections a certificate stating that
11 the inmate has been restored to the full rights of a citizen. If an inmate is on parole at the time
12 the inmate becomes eligible for discharge, the secretary of corrections shall issue a like
13 certificate stating that the inmate has been restored to the full rights of a citizen.

14 The secretary of corrections shall mail a copy of the certificate to the clerk of court for the
15 county from which the inmate was sentenced.

16 Section 4. That § 24-15A-1 be amended to read as follows:

17 24-15A-1. The provisions of this chapter do not apply to persons sentenced to prison for
18 crimes committed prior to July 1, 1996, except the provisions in §§ 24-15A-18 and 24-15A-19
19 involving multiple sentences occurring both prior and subsequent to the enactment of this
20 chapter and the provisions of §§ 24-15A-9, 24-15A-10, 24-15A-11, 24-15A-31, 24-15A-37, 24-
21 15A-40, ~~and the provisions in § 24-15A-11.1,~~ and section 1 of this Act.

22 Section 5. That § 24-15A-22 be amended to read as follows:

23 24-15A-22. The victim may request in writing to be notified by the board when an inmate
24 who was convicted of committing the crime is released on parole, the inmate's parole is revoked,

1 an early final discharge or a partial early final discharge is considered, an offender is granted a
2 clemency hearing, or clemency is recommended. The board shall send the notice by first class
3 mail to the address provided by the victim. However, the board is not liable for any damages to
4 the victim if ~~it~~ the board fails to mail the notice.

5 Section 6. That § 24-15-8.1 be amended to read as follows:

6 24-15-8.1. The victim may request in writing to be notified by the Board of Pardons and
7 Parole when an inmate who was convicted of committing the crime is granted parole, the
8 inmate's parole is revoked, an early final discharge or partial early final discharge is considered,
9 an offender is granted a clemency hearing, or clemency is recommended. The board shall send
10 the notice by first class mail to the address provided by the victim. However, the board is not
11 liable for any damages to the victim if the board fails to mail the notice.

12 Section 7. That § 24-15-24 be amended to read as follows:

13 24-15-24. If the Board of Pardons and Paroles is satisfied that any provision of § 24-15-20
14 has been violated, it may revoke the parole and reinstate the terms of the original sentence and
15 conviction or it may modify conditions of parole and restore parole status. In addition, the board
16 may order the reduction of time in full or in part for good conduct granted under § 24-5-1 and
17 withdraw time granted toward a partial early final discharge. If the board does not find that the
18 provisions of § 24-15-20 have been violated, the board may restore the parolee to the original
19 or modified terms and conditions of parole.

20 Section 8. That § 24-15A-28 be amended to read as follows:

21 24-15A-28. If the board is satisfied that any provision of § 24-15A-27 has been violated, it
22 may revoke the parole and reinstate the terms of the original sentence and conviction or it may
23 modify conditions of parole and restore parole status. In addition, the board may order the denial
24 of credit for time served on parole and withdraw time granted toward a partial early final

1 discharge. If the board does not find that the provisions of § 24-15A-27 have been violated, the
2 board may restore the parolee to the original or modified terms and conditions of the parolee's
3 parole.