

AN ACT

ENTITLED, An Act to provide for a partial early final discharge from parole.

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

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

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

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

24-15A-6. The department shall establish the sentence discharge date for each inmate based on the total sentence length, minus court ordered jail time credit. Each inmate shall be under the jurisdiction of the department, either incarcerated or under parole release or a combination, for the entire term of the inmate's total sentence length unless the board grants an early final discharge pursuant to § 24-15A-8, a partial early final discharge pursuant to section 1 of this Act, the court modifies the sentence or the sentence is commuted.

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

24-5-2. If any inmate has been discharged under the provisions of § 24-5-1, 24-5-7, or section 1 of this Act, the inmate shall, at the time of discharge, be considered as restored to the full rights of citizenship. At the time of the discharge of any inmate under the provisions of this chapter, the

inmate shall receive from the secretary of corrections a certificate stating that the inmate has been restored to the full rights of a citizen. If an inmate is on parole at the time the inmate becomes eligible for discharge, the secretary of corrections shall issue a like certificate stating that the inmate has been restored to the full rights of a citizen.

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

Section 4. 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, 24-15A-11.1, and section 1 of this Act.

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

24-15A-22. The victim may request in writing to be notified by the board when an inmate who was convicted of committing the crime is released on parole, the inmate's parole is revoked, an early final discharge or a partial early final discharge is considered, an offender is granted a clemency hearing, or clemency is recommended. The board shall send the notice by first class mail to the address provided by the victim. However, the board is not liable for any damages to the victim if the board fails to mail the notice.

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

24-15-8.1. The victim may request in writing to be notified by the Board of Pardons and Parole when an inmate who was convicted of committing the crime is granted parole, the inmate's parole is revoked, an early final discharge or partial early final discharge is considered, an offender is granted a clemency hearing, or clemency is recommended. The board shall send the notice by first

class mail to the address provided by the victim. However, the board is not liable for any damages to the victim if the board fails to mail the notice.

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

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

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

24-15A-28. If the board is satisfied that any provision of § 24-15A-27 has been violated, it may revoke the parole and reinstate the terms of the original sentence and conviction or it may modify conditions of parole and restore parole status. In addition, the board may order the denial of credit for time served on parole and withdraw time granted toward a partial early final discharge. If the board does not find that the provisions of § 24-15A-27 have been violated, the board may restore the parolee to the original or modified terms and conditions of the parolee's parole.

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I certify that the attached Act
originated in the

HOUSE as Bill No. 1018

Chief Clerk

Speaker of the House

Attest:

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1018

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