

State of South Dakota

EIGHTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2012

400T0268

HOUSE BILL NO. 1025

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

1 FOR AN ACT ENTITLED, An Act to make aggravated incest a violent crime for purposes of
2 setting an initial parole date.

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

4 Section 1. That § 24-15A-32 be amended to read as follows:

5 24-15A-32. Each inmate sentenced to a penitentiary term, except those under a sentence of
6 life or death, or an indeterminate sentence which is not yet set to a term of years by the board
7 or determined to be ineligible for parole as authorized in § 24-15A-32.1, shall have an initial
8 parole date set by the department. This date shall be calculated by applying the percentage
9 indicated in the following grid to the full term of the inmate's sentence pursuant to § 22-6-1. The
10 following crimes or an attempt to commit, or a conspiracy to commit, or a solicitation to
11 commit, any of the following crimes shall be considered a violent crime for purposes of setting
12 an initial parole date: murder, manslaughter, rape, aggravated assault, riot, robbery, burglary in
13 the first degree or burglary in the second degree if committed before July 1, 2006, arson,
14 kidnapping, felony sexual contact as defined in §§ 22-22-7 and 22-22-19.1, child abuse, felony
15 sexual contact as defined in § 22-22-7.2, felony stalking as defined in §§ 22-19A-2 and 22-19A-



1 3, photographing a child in an obscene act, felony assault as defined in § 22-18-26, felony
 2 simple assault as defined in § 22-18-1, commission of a felony while armed as defined in §§ 22-
 3 14-12 and 22-14-13.1, discharging a firearm at an occupied structure or motor vehicle as defined
 4 in § 22-14-20, discharging a firearm from a moving vehicle as defined in § 22-14-21, criminal
 5 pedophilia as defined in § 22-22-30.1, threatening to commit a sexual offense as defined in
 6 § 22-22-45, ~~and~~ abuse or neglect of a disabled adult as defined in § 22-46-2, and aggravated
 7 incest as defined in § 22-22A-3 and 22-22A-3.1:

Felony Convictions

9	Felony Class	First	Second	Third
10	Nonviolent			
11	Class 6	.25	.30	.40
12	Class 5	.25	.35	.40
13	Class 4	.25	.35	.40
14	Class 3	.30	.40	.50
15	Class 2	.30	.40	.50
16	Class 1	.35	.40	.50
17	Class C	.35	.40	.50
18	Violent			
19	Class 6	.35	.45	.55
20	Class 5	.40	.50	.60
21	Class 4	.40	.50	.65
22	Class 3	.50	.60	.70
23	Class 2	.50	.65	.75
24	Class 1	.50	.65	.75
25	Class C	.50	.65	.75
26	Class B	1.0	1.0	1.0
27	Class A	1.0	1.0	1.0

1 Each inmate shall serve at least sixty days prior to parole release. Inmates with life sentences
2 are not eligible for parole. An initial parole date through the application of this grid may be
3 applied to a life sentence only after the sentence is commuted to a term of years. A Class A or
4 B felony commuted to a number of years shall be applied to the Class C violent column of the
5 grid.