



2021 South Dakota Legislature

Senate Bill 16

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

1 **An Act to revise the requirements of setting discretionary parole dates by the board.**

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

3 **Section 1.** That § 24-15A-29 be AMENDED.

4 **24-15A-29. Discretionary parole date on revocation--Conditions--**
 5 **Discretionary hearings.**

6 If a ~~parole is revoked, the~~The board shall establish a discretionary parole date of
 7 not more than two years from the date of revocation if:

8 (1) An offender's parole or suspended sentence is revoked and imposed following
 9 release to parole supervision; or

10 (2) An offender's suspended sentence is revoked and imposed after the offender has
 11 been found noncompliant under § 24-15A-39.

12 Subsequent discretionary hearings shall be held at intervals of not more than two years.
 13 The board is not required to see an inmate for a discretionary parole hearing at two-year
 14 intervals following a revocation if the inmate receives an additional felony sentence ~~or has~~
 15 ~~a suspended sentence imposed which~~ that carries a first an initial parole date longer than
 16 two years from the revocation. ~~If a suspended sentence is revoked and the sentence is~~
 17 ~~imposed, a parole date shall be calculated based on the imposed term. If a suspended~~
 18 ~~sentence is revoked and imposed prior to the initial parole date on the incarceration term~~
 19 ~~of the sentence prior to the imposition of the suspended sentence, the parole date~~
 20 ~~calculated on the imposed sentence is an initial parole date with parole release subject to~~
 21 ~~§ 24-15A-38. If a suspended sentence is revoked and imposed after the inmate has been~~
 22 ~~released on parole, or found noncompliant under § 24-15A-39, the parole date is a~~
 23 ~~discretionary date.~~

24 **Section 2.** That a NEW SECTION be added:

1 **24-15A-29.1. Parole date on revocation prior to release.**

2 If a suspended sentence is revoked and imposed prior to the initial parole date, a
3 new initial parole date subject to § 24-15A-38 shall be calculated on the newly imposed
4 incarceration term.