2022 South Dakota Legislature

House Bill 1026

Introduced by: ***Representative*** *Fitzgerald*

An Act to prohibit eligibility for a suspended imposition of sentence for the crime of rape.

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

Section 1. That § 23A-27-13 be AMENDED:

23A-27-13. ~~Upon~~ Except pursuant to section 2 of this Act, upon receiving a verdict or plea of guilty for a felony not punishable by death or life imprisonment by a person never before convicted of a crime which at the time of conviction thereof would constitute a felony in this state, a court having jurisdiction of the defendant, if satisfied that the ends of justice and the best interest of the public as well as the defendant will be served thereby, may, without entering a judgment of guilt, and with the consent of the defendant, suspend the imposition of sentence and place the defendant on probation for such period and upon such terms and conditions as the court may deem best. No person who has previously been granted, whether in this state or any other, a suspended imposition of sentence for a felony, is eligible to be granted a second suspended imposition of sentence for a felony. A court may revoke such suspension at any time during the probationary period and impose and execute sentence without diminishment or credit for any of the probationary period.

Section 2. That chapter 23A-27 be amended with a NEW SECTION:

No person who has been convicted of, or pled guilty or nolo contendere to, rape under § 22-22-1 may be granted a suspended imposition of sentence under § 23A-27-13.