



2022 South Dakota Legislature

House Bill 1026

HOUSE JUDICIARY ENGROSSED

Introduced by: **Representative Fitzgerald**

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

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

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

5 **23A-27-13.** ~~Upon~~ Except pursuant to section 2 of this Act, upon receiving a verdict
6 or plea of guilty for a felony not punishable by death or life imprisonment by a person
7 never before convicted of a crime which at the time of conviction thereof would constitute
8 a felony in this state, a court having jurisdiction of the defendant, if satisfied that the ends
9 of justice and the best interest of the public as well as the defendant will be served
10 thereby, may, without entering a judgment of guilt, and with the consent of the defendant,
11 suspend the imposition of sentence and place the defendant on probation for such period
12 and upon such terms and conditions as the court may deem best. No person who has
13 previously been granted, whether in this state or any other, a suspended imposition of
14 sentence for a felony, is eligible to be granted a second suspended imposition of sentence
15 for a felony. A court may revoke such suspension at any time during the probationary
16 period and impose and execute sentence without diminishment or credit for any of the
17 probationary period.

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

19 No person who has been convicted of, or pled guilty or nolo contendere to, rape
20 under subdivisions 22-22-1(1), (2), and (3) may be granted a suspended imposition of
21 sentence under § 23A-27-13.