



2022 South Dakota Legislature

Senate Bill 169

Introduced by: **Senator Rusch**

1 **An Act to establish a means for certain Department of Corrections inmates to earn**
2 **credit against fines or costs ordered by the sentencing court.**

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

4 **Section 1. That chapter 23A-27 be amended with a NEW SECTION:**

5 If the sentencing court orders a defendant to the state penitentiary and the
6 defendant objects at sentencing to the fines or costs imposed as a portion of the
7 punishment on the basis the defendant will be ineligible to receive a wage for work
8 performed while incarcerated because the defendant does not have a verifiable Social
9 Security number, the defendant is entitled to a hearing at which the court shall determine
10 whether there is good cause to reduce the fines or costs pursuant to Section 2 of this Act
11 by a preponderance of the evidence. In making this determination, the court shall consider
12 the defendant's employment circumstances, potential for employment and vocational
13 training, financial condition, and other factors as may be appropriate.

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

15 If the sentencing court finds good cause to reduce the fees or costs imposed under
16 Section 1 of this Act, the court shall issue an order stating that the defendant shall be
17 credited the current rate of pay for institutional work assignments against the fines or
18 costs imposed in the priority ordered by the court. The reduction must be in accordance
19 with work performed by the defendant related to reasonable institutional work
20 assignments. Any work required as a disciplinary sanction for misconduct may not count
21 as a credit against fines or costs imposed. The Department of Corrections shall record the
22 number of hours the defendant worked pursuant to this section. The defendant shall be
23 responsible for any outstanding amount following release from incarceration.