



2022 South Dakota Legislature

Senate Bill 172

SENATE JUDICIARY ENGROSSED

Introduced by: **Senator Rusch**

1 **An Act to revise provisions regarding eligibility for parole for certain persons**
 2 **sentenced to life imprisonment.**

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

4 **Section 1. That § 24-15-4 be AMENDED:**

5 **24-15-4.** No inmate sentenced to life imprisonment is eligible for parole by the
 6 Board of Pardons and Paroles except ~~as:~~

7 (1) As provided in §§ 24-15A-55 to 24-15A-68, inclusive; or

8 (2) An inmate who was sentenced to life imprisonment for an offense, except for a
 9 Class A felony, that was committed when the inmate was twenty-five years old or
 10 younger is eligible for discretionary parole consideration when the inmate has
 11 served twenty-five years. The board must consider the factors set forth in section
 12 2 of this Act to determine whether to grant parole under this subdivision.

13 If an inmate considered for discretionary parole under subdivision (2) of this
 14 section is denied parole, the board shall establish a discretionary parole date of not less
 15 than five years from the date of denial. Subsequent discretionary hearings must be held
 16 at intervals of not more than two years.

17 An inmate granted parole pursuant to subdivision (2) of this section is otherwise
 18 subject to the provisions of chapters 24-13, 24-15, and 24-15A.

19 **Section 2. That chapter 24-15A be amended with a NEW SECTION:**

20 In determining whether to grant parole under subdivision 24-15-4(2), the Board
 21 of Pardons and Paroles shall consider:

22 (1) The inmate's age at the time of the offense, the diminished culpability of youth as
 23 compared to adults, and the immaturity, impetuosity, and failure to appreciate
 24 risks and consequences associated with being a youth;

25 (2) The history and characteristics of the inmate;

- 1 (3) The inmate's family and community circumstances at the time of the offense, and
2 any history of abuse, trauma, or involvement of the inmate in the child welfare
3 system;
- 4 (4) The nature and circumstances of the offense and the extent of the inmate's role in
5 the offense;
- 6 (5) Whether the inmate has substantially complied with the rules of the institution to
7 which the inmate is confined;
- 8 (6) Whether the inmate has completed any educational, vocational, or other programs,
9 where available, in addition to any mandatory educational, vocational, and work
10 requirements;
- 11 (7) If the inmate's behavioral or mental health is determined to have played a role in
12 the commission of the offense, whether the inmate has completed any behavioral
13 or mental health treatment;
- 14 (8) Any report or recommendation received from the state's attorney in the county in
15 which the inmate's conviction was entered;
- 16 (9) Whether the inmate has demonstrated maturity, rehabilitation, and a fitness to
17 reenter society;
- 18 (10) Any statement provided by the victim of an offense;
- 19 (11) Any reports of physical, mental, or psychiatric examination of the inmate conducted
20 by licensed health care professionals; and
- 21 (12) Any other information the board deems relevant to its decision.
- 22 For purposes of this section, the term, victim, has the same meaning as in S.D.
23 Const., Art. VI, § 29.

24 **Section 3.** The provisions of this Act apply retroactively.