

## 2022 South Dakota Legislature

**House Bill 1233****AMENDMENT 1233B FOR THE INTRODUCED BILL**

1 **An Act to establish a parole hearing requirement for ~~any person convicted of four or~~  
2 ~~more felony offenses prior to parole release~~ certain inmates.**

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

4 **Section 1. That chapter 24-15A be amended with a NEW SECTION:**

5 If an inmate has been convicted of ~~four~~ three or more prior felony offenses and is  
6 subsequently convicted of an offense under § 32-23-4.6, 32-23-4.7, or 32-23-4.9, the  
7 board shall hold a hearing at the time of the inmate's initial parole date to determine  
8 whether, in the board's discretion, the inmate may be released to parole. An inmate may  
9 decline parole consideration and waive the right to a hearing. The inmate may be released  
10 to parole if the board is satisfied that the inmate:

- 11 (1) Has been confined in the penitentiary for a sufficient length of time to accomplish  
12 the inmate's rehabilitation;  
13 (2) Is not a danger to society;  
14 (3) Has secured suitable employment, or beneficial occupation of the inmate's time is  
15 likely to continue until the end of the period of the inmate's parole; and  
16 (4) Has substantively complied with the individual program directive or, if an inmate  
17 does not have an individual program directive, the inmate has substantively met  
18 the requirements of § 24-15A-42.

19 Neither this section or its application may be the basis for establishing a  
20 constitutionally protected liberty, property, or due process interest in any inmate. An  
21 inmate not released at the time of the inmate's initial parole date under this section must  
22 have a discretionary parole hearing at least every two years.