

2023 South Dakota Legislature

House Bill 1077**AMENDMENT 1077B
FOR THE INTRODUCED BILL**

1 **An Act to prohibit eligibility for a suspended imposition of sentence for certain rape**
2 **offenses and to provide exceptions.**

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 as provided in section 2 of this Act, upon receiving a
6 verdict or plea of guilty for a felony not punishable by death or life imprisonment by a
7 person never before convicted of a crime~~which~~that at the time of conviction thereof
8 would constitute a felony in this state, a court having jurisdiction of the defendant, if
9 satisfied that the ends of justice and the best interest of the public as well as the defendant
10 will be served thereby, may, without entering a judgment of guilt, and with the consent
11 of the defendant, suspend the imposition of sentence and place the defendant on probation
12 for such period and upon such terms and conditions as the court may deem best. No
13 person who has previously been granted, whether in this state or any other, a suspended
14 imposition of sentence for a felony, is eligible to be granted a second suspended imposition
15 of sentence for a felony. A court may revoke ~~such~~the suspension at any time during the
16 probationary period and impose and execute sentence without diminishment or credit for
17 any of the 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), or (3), may be granted a suspended imposition of
21 sentence under § 23A-27-13. **This section does not apply to a person adjudicated as a**
22 **juvenile or a juvenile tried as an adult for a crime under subdivisions 22-22-1(2) or (3).**