



## 2025 South Dakota Legislature

# Senate Bill 64

*Introduced by: The Chair of the Committee on Judiciary at the request of the Department of Corrections*

1 **An Act to revise provisions related to the establishment of an initial parole date.**

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

3 **Section 1. That § 24-15-4.1 be AMENDED:**

4 **24-15-4.1.** For the purposes of this section, the term "offense" means any of the  
5 following:

- 6 (1) Manslaughter in the first degree, as defined in § 22-16-15;
- 7 (2) Kidnapping in the first degree, as defined in § 22-19-1;
- 8 (3) Rape in the first degree, as defined in § 22-22-1;
- 9 (4) Rape in the second degree, as defined in § 22-22-1;
- 10 (5) Torture of a human trafficking victim, as defined in § 22-49-5;
- 11 (6) Commission of a felony while armed with firearms, as defined in § 22-14-12;
- 12 (7) Aggravated assault against a law enforcement officer, firefighter, ambulance  
13 personnel, Department of Corrections employee or contractor, health care  
14 personnel, or other public officer, as defined in § 22-18-1.05;
- 15 (8) Aggravated battery of an infant, as defined in § 22-18-1.4;
- 16 (9) Assault with intent to cause serious permanent disfigurement, as defined in § 22-  
17 18-1.5;
- 18 (10) Robbery in the first degree, as defined in § 22-30-6;
- 19 (11) First degree burglary, as defined in § 22-32-1;
- 20 (12) First degree arson, as defined in § 22-33-9.1; ~~and~~
- 21 (13) First degree human trafficking, as defined in § 22-49-2;
- 22 (14) An act of terrorism, as defined in § 22-8-12;
- 23 (15) Aggravated kidnapping in the second degree, as defined in § 22-19-1.1;
- 24 (16) First degree murder, as defined in § 22-16-4; and
- 25 (17) Attempted first degree murder of a law enforcement officer, as defined in § 22-4-

26 3.

1 An inmate convicted of and sentenced for an offense as specified in this section,  
 2 for a crime committed on or after July 1, 2023, is not eligible for parole by the Board of  
 3 Pardons and Paroles, except as provided in §§ 24-15A-55 to 24-15A-68, inclusive. An  
 4 inmate shall serve the full term of imprisonment imposed by the court for the offense. The  
 5 court ~~shall retain~~ retains the discretion to suspend a portion of the prison sentence  
 6 ~~required~~. If the court suspends a portion of the prison sentence, the Board of Pardons and  
 7 Paroles ~~shall~~ must supervise the suspended time and ~~has the authority to~~ may revoke the  
 8 suspended portion of the sentence for ~~failing~~ the inmate's failure to follow the conditions  
 9 of release.

10 An inmate may earn any credit for which the inmate is eligible. However, ~~such~~  
 11 ~~credits~~ the credit may only be used for increased privileges and may not be used to reduce  
 12 the sentence imposed by the court.

13 **Section 2. That § 24-15-4.2 be AMENDED:**

14 **24-15-4.2.** For the purposes of this section, the term, "offense," means any of the  
 15 following:

- 16 (1) Vehicular homicide, as defined in § 22-16-41;
- 17 (2) Aggravated assault, as defined in § 22-18-1.1;
- 18 (3) Aggravated criminal battery of an unborn child, as defined in § 22-18-1.3;
- 19 (4) Kidnapping in the second degree, as defined in § 22-19-1.1;
- 20 (5) Second degree robbery, as defined in § 22-30-6;
- 21 ~~(5)(6) Second degree burglary, as defined in § 22-32-3;~~
- 22 ~~(6)(7) Riot, as defined in § 22-10-1;~~
- 23 ~~(7)(8) Manslaughter in the second degree, as defined in § 22-16-20;~~
- 24 ~~(8)(9) Second degree human trafficking, as defined in § 22-49-3;~~
- 25 ~~(9)(10) Felony child abuse, as defined in § 26-10-1; and~~
- 26 ~~(10)(11) Attempt to commit, or a conspiracy to commit, or a solicitation to commit any~~  
 27 offense enumerated in § 24-15-4.1.

28 An inmate convicted of and sentenced for an offense as specified in this section,  
 29 for a crime committed on or after July 1, 2023, is not eligible for parole by the Board of  
 30 Pardons and Paroles except as provided in §§ 24-15A-55 to 24-15A-68, inclusive. An  
 31 inmate shall serve the full term of imprisonment imposed by the court for the offense. The  
 32 court ~~shall retain~~ retains the discretion to suspend a portion of the prison sentence  
 33 ~~required~~. If the court suspends a portion of the prison sentence, the Board of Pardons and  
 34 Paroles ~~shall~~ must supervise the suspended time and ~~has the authority to~~ may revoke the

1 suspended portion of the sentence for ~~failing the inmate's failure~~ to follow the conditions  
2 of release.

3 An inmate may earn any credit for which the inmate is eligible. However, ~~such~~  
4 ~~credits~~ the credit may only be used for increased privileges and may not be used to reduce  
5 the sentence imposed by the court, except as otherwise provided in this section.

6 Discharge credits earned pursuant to §§ 24-15A-50 and 24-15A-50.1 may be used  
7 to reduce an inmate's sentence by up to fifteen percent of the sentence imposed by the  
8 court that the inmate must serve before becoming eligible for release on parole. Discharge  
9 credits may not be used to alter the inmate's sentence expiration date.

10 **Section 3. That § 24-15A-32 be AMENDED:**

11 **24-15A-32.** For a crime committed before July 1, 2023, each inmate sentenced  
12 to a state incarceration term, except those under a sentence of life or death, or determined  
13 to be ineligible for parole as authorized in § 24-15A-32.1, must have an initial parole date  
14 set by the department. This date must be calculated by applying the percentage indicated  
15 in the following grid to the full term, minus any suspended time. ~~The following crimes~~ A  
16 crime listed below, or an attempt to commit, a conspiracy to commit, or a solicitation to  
17 commit any ~~of the following crimes shall be considered~~ crime listed below, is a violent  
18 crime for purposes of setting an initial parole date: murder, manslaughter, rape,  
19 aggravated assault, riot, robbery, burglary in the first degree, burglary in the second  
20 degree if committed before July 1, 2006, arson, kidnapping, felony sexual contact as  
21 defined in §§ 22-22-7 and 22-22-7.2, child abuse, ~~felony sexual contact as defined in~~  
22 ~~§ 22-22-7.2~~, felony stalking as defined in §§ 22-19A-2 and 22-19A-3, photographing a  
23 child in an obscene act as previously set forth in § 22-22-23, felony assault as defined in  
24 §§ 22-18-26 and 22-18-29, felony simple assault as defined in § 22-18-1, aggravated  
25 criminal battery of an unborn child as defined in § 22-18-1.3, aggravated battery of an  
26 infant as defined in § 22-18-1.4, assault with intent to cause serious permanent  
27 disfigurement as defined in § 22-18-1.5, commission of a felony while armed as defined  
28 in § 22-14-12, discharging a firearm at an occupied structure or motor vehicle as defined  
29 in § 22-14-20, discharging a firearm from a moving vehicle as defined in § 22-14-21,  
30 criminal pedophilia as previously set forth in § 22-22-30.1, threatening to commit a sexual  
31 offense as defined in § 22-22-45, abuse or neglect of a disabled adult as defined in § 22-  
32 46-2, and aggravated incest as defined in §§ 22-22A-3 and 22-22A-3.1:

33 Felony Convictions

	Felony Class	First	Second	Third
1				
2	Nonviolent			
3	Class 6	.25	.30	.40
4	Class 5	.25	.35	.40
5	Class 4	.25	.35	.40
6	Class 3	.30	.40	.50
7	Class 2	.30	.40	.50
8	Class 1	.35	.40	.50
9	Class C	.35	.40	.50
10	Violent			
11	Class 6	.35	.45	.55
12	Class 5	.40	.50	.60
13	Class 4	.40	.50	.65
14	Class 3	.50	.60	.70
15	Class 2	.50	.65	.75
16	Class 1	.50	.65	.75
17	Class C	.50	.65	.75
18	Class B	1.0	1.0	1.0
19	Class A	1.0	1.0	1.0

20 The application of the violent or nonviolent column of the grid is based on whether  
21 the inmate's current sentence is for a violent or nonviolent crime. The department shall  
22 consider any prior felony regardless of whether the crime is violent or nonviolent when  
23 determining which percentage to apply to the inmate's parole date calculation. Each  
24 inmate shall serve at least sixty days prior to parole release. An inmate with a life sentence  
25 is not eligible for parole except as provided in §§ 24-15A-55 to 24-15A-68, inclusive. An  
26 initial parole date through the application of this grid may be applied to a life sentence  
27 only after the sentence is commuted to a term of years. A Class A or B felony commuted  
28 to a number of years ~~shall~~ must be applied to the Class C violent column of the grid. An  
29 inmate convicted of a Class A or B felony who was a juvenile at the time of the offense  
30 and receives a sentence of less than life ~~shall~~ must be applied to the Class C violent column  
31 of the grid.

1 For a crime committed on or after July 1, 2023, each inmate sentenced to a  
 2 penitentiary term, except those under a sentence of life or death, or determined to be  
 3 ineligible for parole as authorized in §§ 24-15-4.1, 24-15-4.2, and 24-15A-32.1, must  
 4 have an initial parole date set by the department. The date must be calculated by applying  
 5 the percentage indicated in the following grid to the full term of the sentence, minus any  
 6 suspended time. Any of the following crimes, or any attempt to commit, a conspiracy to  
 7 commit, or a solicitation to commit any of the following crimes is considered a violent  
 8 crime for the purpose of setting an initial parole date: arson in the second degree as  
 9 defined in § 22-33-9.2, rape in the third or fourth degree as defined in § 22-22-1, felony  
 10 sexual contact as defined in §§ 22-22-7 and 22-22-7.2, felony stalking as defined in  
 11 §§ 22-19A-2 and 22-19A-3, felony assault as defined in §§ 22-18-26 and 22-18-29, felony  
 12 simple assault as defined in § 22-18-1, discharging a firearm at an occupied structure or  
 13 motor vehicle as defined in § 22-14-20, discharging a firearm from a moving vehicle as  
 14 defined in § 22-14-21, threatening to commit a sexual offense as defined in § 22-22-45,  
 15 abuse or neglect of a disabled adult as defined in § 22-46-2, and aggravated incest as  
 16 defined in §§ 22-22A-3 and 22-22A-3.1:

17 Felony Convictions

18	Felony Class	First	Second	Third
19	Nonviolent			
20	Class 6	.25	.30	.40
21	Class 5	.25	.35	.40
22	Class 4	.25	.35	.40
23	Class 3	.30	.40	.50
24	Class 2	.30	.40	.50
25	Class 1	.35	.40	.50
26	Class C	.35	.40	.50
27	Violent			
28	Class 6	.35	.45	.55
29	Class 5	.40	.50	.60
30	Class 4	.40	.50	.65
31	Class 3	.50	.60	.70
32	Class 2	.50	.65	.75

1	Class 1	.50	.65	.75
2	Class C	.50	.65	.75
3	Class B	1.0	1.0	1.0
4	Class A	1.0	1.0	1.0
5	§ 24-15-4.1	1.0	1.0	1.0
6	§ 24-15-4.2	1.0-.85	1.0-.85	1.0-.85

7           The application of the violent or nonviolent column of the grid is based on whether  
8 the inmate's current sentence is for a violent or nonviolent crime. The department shall  
9 consider any prior felony regardless of whether the crime is violent or nonviolent when  
10 determining which percentage to apply to the inmate's parole date calculation. Each  
11 inmate shall serve at least sixty days prior to parole release. An inmate with a life sentence  
12 and an inmate who commits an offense as defined in § 24-15-4.1 is not eligible for parole  
13 except as provided in §§ 24-15A-55 to 24-15A-68, inclusive. An inmate who commits an  
14 offense as defined in § 24-15-4.2 is not eligible for parole except as provided in §§ 24-  
15 15-4.2 and 24-15A-55 to 24-15A-68, inclusive. The provisions set forth in §§ 24-15-4.1  
16 and 24-15-4.2 apply to a life sentence that has been commuted to a term of years.