

2025 South Dakota Legislature

House Bill 1096**AMENDMENT 1096A
FOR THE INTRODUCED BILL**

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

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~~ constitutes a felony in this state, a court having jurisdiction of the
9 defendant, if satisfied that the ends of justice and the best interest of the public as well
10 as the defendant will be served thereby, may, without entering a judgment of guilt, and
11 with the consent of the defendant, suspend the imposition of sentence and place the
12 defendant on probation for ~~such a~~ such a period and upon ~~such any~~ such any terms and conditions as the
13 court may deem best. No person who has previously been granted, whether in this state
14 or any other, a suspended imposition of sentence for a felony, is eligible to be granted a
15 second suspended imposition of sentence for a felony. A court may ~~revoke~~ revoke
16 the suspension at any time during the probationary period and impose and execute sentence
17 without diminishment or credit for any of the probationary period.

18 **Section 2. That a NEW SECTION be added to chapter 23A-27:**

19 No person who has been convicted of, or pled guilty or nolo contendere to, rape
20 under subdivision 22-22-1(2) or (3) may be granted a suspended imposition of sentence
21 under § 23A-27-13. ~~This section does not apply to a person adjudicated as a juvenile or~~
22 a juvenile tried as an adult for a crime under subdivisions 22-22-1(2) or (3).