



2025 South Dakota Legislature
House Bill 1096
ENROLLED

AN ACT

ENTITLED An Act to prohibit eligibility for a suspended imposition of sentence for certain rape offenses.

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

Section 1. That § 23A-27-13 be AMENDED:

23A-27-13. Except as provided in section 2 of this Act, upon receiving a verdict or plea of guilty for a felony not punishable by death or life imprisonment by a person never before convicted of a crime that at the time of conviction constitutes a felony in this state, a court having jurisdiction of the defendant, if satisfied that the ends of justice and the best interest of the public as well as the defendant will be served thereby, may, without entering a judgment of guilt, and with the consent of the defendant, suspend the imposition of sentence and place the defendant on probation for a period and upon any terms and conditions as the court may deem best. No person who has previously been granted, whether in this state or any other, a suspended imposition of sentence for a felony, is eligible to be granted a second suspended imposition of sentence for a felony. A court may revoke the suspension at any time during the probationary period and impose and execute sentence without diminishment or credit for any of the probationary period.

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

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

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

I certify that the attached Act originated in the:
House as Bill No. 1096

Received at this Executive Office this ____ day of _____, 2025 at _____ M.

Chief Clerk

By _____ for the Governor

Speaker of the House

The attached Act is hereby approved this _____ day of _____, A.D., 2025

Attest:

Chief Clerk

Governor

STATE OF SOUTH DAKOTA,

ss.

Office of the Secretary of State

President of the Senate

Attest:

Filed _____, 2025 at _____ o'clock ___ M.

Secretary of the Senate

Secretary of State

House Bill No. 1096
File No. _____
Chapter No. _____

By _____
Asst. Secretary of State