



2025 South Dakota Legislature
Senate Bill 64
ENROLLED

AN ACT

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

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

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

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

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

- (17) First degree arson, as defined in § 22-33-9.1; and
- (18) First degree human trafficking, as defined in § 22-49-2.

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

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

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

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

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

An inmate convicted of and sentenced for an offense as specified in this section, for a crime committed on or after July 1, 2023, is not eligible for parole by the Board of Pardons and Paroles except as provided in §§ 24-15A-55 to 24-15A-68, inclusive. An inmate shall serve the full term of imprisonment imposed by the court for the offense. The court retains the discretion to suspend a portion of the prison sentence. If the court suspends a portion of the prison sentence, the Board of Pardons and Paroles must

supervise the suspended time and may revoke the suspended portion of the sentence for the inmate's failure to follow the conditions of release.

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

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

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

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

Felony Convictions

Felony Class	First	Second	Third
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Nonviolent			
Class 6	.25	.30	.40
Class 5	.25	.35	.40
Class 4	.25	.35	.40
Class 3	.30	.40	.50
Class 2	.30	.40	.50
Class 1	.35	.40	.50
Class C	.35	.40	.50
Violent			
Class 6	.35	.45	.55
Class 5	.40	.50	.60
Class 4	.40	.50	.65
Class 3	.50	.60	.70
Class 2	.50	.65	.75
Class 1	.50	.65	.75
Class C	.50	.65	.75
Class B	1.0	1.0	1.0
Class A	1.0	1.0	1.0

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

For a crime committed on or after July 1, 2023, each inmate sentenced to a penitentiary term, except those under a sentence of life or death, or determined to be

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

Felony Convictions

Felony Class	First	Second	Third
Nonviolent			
Class 6	.25	.30	.40
Class 5	.25	.35	.40
Class 4	.25	.35	.40
Class 3	.30	.40	.50
Class 2	.30	.40	.50
Class 1	.35	.40	.50
Class C	.35	.40	.50
Violent			
Class 6	.35	.45	.55
Class 5	.40	.50	.60
Class 4	.40	.50	.65
Class 3	.50	.60	.70
Class 2	.50	.65	.75
Class 1	.50	.65	.75

Class C	.50	.65	.75
Class B	1.0	1.0	1.0
Class A	1.0	1.0	1.0
§ 24-15-4.1	1.0	1.0	1.0
§ 24-15-4.2	1.0-.85	1.0-.85	1.0-.85

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

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

I certify that the attached Act originated in
the:

Senate as Bill No. 64

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

Secretary of the Senate

By _____
for the Governor

President of the Senate

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

Attest:

Secretary of the Senate

Governor

STATE OF SOUTH DAKOTA,

ss.

Office of the Secretary of State

Speaker of the House

Attest:

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

Chief Clerk

Secretary of State

Senate Bill No. 64
File No. _____
Chapter No. _____

By _____
Asst. Secretary of State