



2026 South Dakota Legislature

Senate Bill 140

Introduced by: **Senator Smith**

1 **An Act to revise provisions related to inmate compensation.**

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

3 **Section 1. That § 23A-28B-40 be AMENDED:**

4 **23A-28B-40.** There is established within the state treasury the crime victims'
 5 compensation fund, into which ~~shall be~~ is deposited surcharges collected pursuant to
 6 § 23A-28B-42, interest earned pursuant to section 4 of this Act, deductions from prison
 7 industries revenues or inmate wages pursuant to subdivision 24-7-3(1), contributions,
 8 grants, payments ordered by the court, interest received on moneys in the fund, and all
 9 other fees and moneys collected for the purposes of this chapter. This fund ~~shall~~ may be
 10 used only for the purposes of paying compensation awards ~~and~~ and administering the crime
 11 victims' compensation program, as provided for in this chapter. ~~The fund may also be~~
 12 used, and reimbursing a law enforcement agency or law enforcement officer, as provided
 13 in § 23A-28B-40.1.

14 **Section 2. That § 24-2-29 be AMENDED:**

15 **24-2-29.** ~~Each~~ An inmate is liable for court-ordered fines, costs, fees, sanctions,
 16 ~~and~~ restitution ~~and~~ and any obligation incurred while under the jurisdiction of the Department
 17 of Corrections, including those provided for in §§ 24-2-28, 24-7-3, 24-8-9, 24-15-11, 24-
 18 15A-24, and 23A-35B-4, and any other charge owed to the state. ~~Disbursement shall~~
 19 Except as provided in section 4 of this Act, disbursement must be made from an inmate's
 20 institutional account to defray the inmate's obligation, regardless of the source of the
 21 inmate's ~~funds~~ moneys, including moneys in the inmate's institutional account pursuant
 22 to § 24-2-5 and wages earned by the inmate pursuant to §§ 24-4-9, 24-7-3(3), 24-7-6,
 23 and 24-8-8.

24 **Section 3. That § 24-4-9 be AMENDED:**

1 **24-4-9.** The warden may authorize monetary compensation to inmates for work
2 performed under the provisions of § 24-4-7. The amount authorized may not be less than
3 one dollar and twenty-five cents per hour.

4 **Section 4. That a NEW SECTION be added to chapter 24-4:**

5 A correctional facility official shall deposit twenty-five percent of all compensation
6 earned by an inmate under the official's custody, pursuant to this chapter, in a personal
7 savings account for the inmate. Moneys deposited in the inmate's personal savings
8 account may not be disbursed to defray any obligation pursuant to § 24-2-29.

9 Upon discharge of an inmate from a correctional facility, whether by parole,
10 suspended sentence, or final discharge, a correctional facility official shall disburse the
11 balance of the personal savings account to the inmate.

12 On a quarterly basis, a correctional facility official shall deposit into the crime
13 victims' compensation fund any interest accrued from funds deposited in the inmate's
14 personal savings account.