



2026 South Dakota Legislature

House Bill 1192

Introduced by: **Representative Baxter**

1 **An Act to allow the parole of certain inmates sentenced to life imprisonment without**
 2 **parole.**

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

4 **Section 1. That § 24-15-4 be AMENDED:**

5 **24-15-4.** No inmate sentenced to life imprisonment is eligible for parole by the
 6 Board of Pardons and Paroles, ~~except as provided in §§ 24-15A-55 to 24-15A-68,~~
 7 inclusive, and section 2 of this Act.

8 **Section 2. That chapter 24-15A be amended with a NEW SECTION:**

9 An inmate sentenced to life imprisonment for an offense, other than rape in the
 10 first degree pursuant to § 22-22-1, which was committed when the inmate was at least
 11 eighteen years old but under the age of twenty-seven is eligible for discretionary parole
 12 consideration when the inmate has served twenty-five years. The board shall conduct an
 13 initial discretionary parole hearing within six months of the inmate achieving eligibility.
 14 The board must consider the factors set forth in section 3 of this Act in determining
 15 whether to grant parole under this section.

16 If an inmate considered for discretionary parole under this section is denied parole,
 17 the board must establish a discretionary parole date of not less than five years from the
 18 date of denial. Subsequent discretionary parole hearings must be held at intervals of not
 19 more than two years.

20 An inmate granted parole under this section is otherwise subject to the provisions
 21 of chapters 24-13, 24-15, and 24-15A.

22 The provisions of this Act apply retroactively to any inmate sentenced before July
 23 1, 2026.

24 **Section 3. That chapter 24-15A be amended with a NEW SECTION:**

1 In determining whether to grant parole under section 2 of this Act, the board shall
2 consider:

3 (1) The inmate's age at the time of the offense, the diminished culpability of youth,
4 and the immaturity, impetuosity, and failure to appreciate risks and consequences
5 associated with being a youth;

6 (2) The history and characteristics of the inmate;

7 (3) The inmate's family and community circumstances at the time of the offense, and
8 any history of abuse, trauma, or involvement of the inmate in the child welfare
9 system;

10 (4) The nature and circumstances of the offense and the extent of the inmate's role in
11 the offense;

12 (5) Whether the inmate has substantially complied with the rules of the institution to
13 which the inmate is confined;

14 (6) Whether the inmate has completed any educational, vocational, or other programs
15 of the institution, where available, in addition to any mandatory educational,
16 vocational, and work requirements;

17 (7) Whether the inmate has completed any behavioral or mental health treatment
18 while incarcerated, if the inmate's behavioral and mental health is determined to
19 have played a role in the commission of the offense;

20 (8) Any report or recommendation received from the state's attorney in the county in
21 which the inmate's conviction was entered;

22 (9) Whether the inmate has demonstrated maturity, rehabilitation, and a fitness to
23 reenter society;

24 (10) Any statement provided by a victim of the offense;

25 (11) Any report of a physical, mental, or psychiatric examination of the inmate
26 conducted by a licensed health care professional; and

27 (12) Any other information the board deems relevant to its decision.

28 For the purposes of this section, "victim" has the same meaning as in S.D. Const.,
29 Art. VI, § 29.