

State of South Dakota

NINETIETH SESSION LEGISLATIVE ASSEMBLY, 2015

715W0051

SENATE BILL NO. 121

Introduced by: Senators Hunhoff (Bernie), Bradford, Buhl O'Donnell, Heinert, Parsley, Peterson (Jim), and Sutton and Representatives Hickey, Bartling, Bordeaux, Feickert, Heinemann (Leslie), Johns, Killer, Kirschman, Munsterman, Ring, Schoenbeck, Schoenfish, Schrempp, and Soli

1 FOR AN ACT ENTITLED, An Act to prospectively repeal the death penalty.

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

3 Section 1. That § 22-6-1 be amended to read as follows:

4 22-6-1. Except as otherwise provided by law, felonies are divided into the following nine
5 classes which are distinguished from each other by the following maximum penalties which are
6 authorized upon conviction:

7 (1) Class A felony: ~~death or life imprisonment~~ without the possibility of parole in the
8 state penitentiary. A lesser sentence than ~~death or life imprisonment~~ without the
9 possibility of parole may not be given for a Class A felony. In addition, a fine of fifty
10 thousand dollars may be imposed;

11 (2) Class B felony: life imprisonment in the state penitentiary. A lesser sentence may not
12 be given for a Class B felony. In addition, a fine of fifty thousand dollars may be
13 imposed;

14 (3) Class C felony: life imprisonment in the state penitentiary. In addition, a fine of fifty



1 thousand dollars may be imposed;

2 (4) Class 1 felony: fifty years imprisonment in the state penitentiary. In addition, a fine
3 of fifty thousand dollars may be imposed;

4 (5) Class 2 felony: twenty-five years imprisonment in the state penitentiary. In addition,
5 a fine of fifty thousand dollars may be imposed;

6 (6) Class 3 felony: fifteen years imprisonment in the state penitentiary. In addition, a fine
7 of thirty thousand dollars may be imposed;

8 (7) Class 4 felony: ten years imprisonment in the state penitentiary. In addition, a fine of
9 twenty thousand dollars may be imposed;

10 (8) Class 5 felony: five years imprisonment in the state penitentiary. In addition, a fine
11 of ten thousand dollars may be imposed; and

12 (9) Class 6 felony: two years imprisonment in the state penitentiary or a fine of four
13 thousand dollars, or both.

14 If the defendant is under the age of eighteen years at the time of the offense and found guilty
15 of a Class A or B felony, the maximum sentence may be life imprisonment in the state
16 penitentiary. In addition, a fine of fifty thousand dollars may be imposed.

17 The court, in imposing sentence on a defendant who has been found guilty of a felony, shall
18 order in addition to the sentence that is imposed pursuant to the provisions of this section, that
19 the defendant make restitution to any victim in accordance with the provisions of chapter 23A-
20 28.

21 Nothing in this section limits increased sentences for habitual criminals ~~under~~ pursuant to
22 §§ 22-7-7, 22-7-8, and 22-7-8.1.

23 Section 2. That chapter 22-6 be amended by adding thereto a NEW SECTION to read as
24 follows:

1 Nothing in this Act is effective to alter, mitigate, or suspend the execution of any death
2 sentence initially imposed prior to July 1, 2015, regardless of any appellate litigation resulting
3 from the death sentence. Nothing in this Act gives rise to any cause of action to alter, mitigate,
4 or suspend the execution of any death sentence initially imposed prior to July 1, 2015, regardless
5 of any appellate litigation resulting from the death sentence.