

# State of South Dakota

NINETY-FIRST SESSION  
LEGISLATIVE ASSEMBLY, 2016

400X0296

## HOUSE JUDICIARY ENGROSSED NO. **SB 44** - 03/02/2016

Introduced by: The Committee on Judiciary at the request of the Office of the Attorney General

1 FOR AN ACT ENTITLED, An Act to classify vehicular homicide as a crime of violence.

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

3 Section 1. That subdivision (9) of § 22-1-2 be amended to read:

4 (9) "Crime of violence," any of the following crimes or an attempt to commit, ~~or~~ a  
5 conspiracy to commit, or a solicitation to commit any of the following crimes:  
6 murder, manslaughter, vehicular homicide, rape, aggravated assault, riot, robbery,  
7 burglary in the first degree, arson, kidnapping, felony sexual contact as defined in  
8 § 22-22-7, felony child abuse as defined in § 26-10-1, or any other felony in the  
9 commission of which the perpetrator used force, ~~or~~ was armed with a dangerous  
10 weapon, or used any explosive or destructive device;

11 Section 2. That § 24-15A-32 be amended to read:

12 24-15A-32. Each inmate sentenced to a penitentiary term, except those under a sentence of  
13 life or death, or determined to be ineligible for parole as authorized in § 24-15A-32.1, shall have  
14 an initial parole date set by the department. This date shall be calculated by applying the



1 percentage indicated in the following grid to the full term of the inmate's sentence pursuant to  
 2 § 22-6-1. The following crimes or an attempt to commit, ~~or~~ a conspiracy to commit, or a  
 3 solicitation to commit; any of the following crimes shall be considered a violent crime for  
 4 ~~purposes~~ the purpose of setting an initial parole date: murder, manslaughter, vehicular homicide,  
 5 rape, aggravated assault, riot, robbery, burglary in the first degree or burglary in the second  
 6 degree if committed before July 1, 2006, arson, kidnapping, felony sexual contact as defined in  
 7 §§ 22-22-7 and 22-22-19.1, child abuse, felony sexual contact as defined in § 22-22-7.2, felony  
 8 stalking as defined in §§ 22-19A-2 and 22-19A-3, photographing a child in an obscene act,  
 9 felony assault as defined in § 22-18-26, felony simple assault as defined in § 22-18-1,  
 10 commission of a felony while armed as defined in §§ 22-14-12 and 22-14-13.1, discharging a  
 11 firearm at an occupied structure or motor vehicle as defined in § 22-14-20, discharging a firearm  
 12 from a moving vehicle as defined in § 22-14-21, criminal pedophilia as defined in § 22-22-30.1,  
 13 threatening to commit a sexual offense as defined in § 22-22-45, abuse or neglect of a disabled  
 14 adult as defined in § 22-46-2, and aggravated incest as defined in §§ 22-22A-3 and 22-22A-3.1:

15

Felony Convictions				
	Felony Class	First	Second	Third
16				
17	Nonviolent			
18	Class 6	.25	.30	.40
19	Class 5	.25	.35	.40
20	Class 4	.25	.35	.40
21	Class 3	.30	.40	.50
22	Class 2	.30	.40	.50
23	Class 1	.35	.40	.50
24	Class C	.35	.40	.50
25	Violent			
26	Class 6	.35	.45	.55

1	Class 5	.40	.50	.60
2	Class 4	.40	.50	.65
3	Class 3	.50	.60	.70
4	Class 2	.50	.65	.75
5	Class 1	.50	.65	.75
6	Class C	.50	.65	.75
7	Class B	1.0	1.0	1.0
8	Class A	1.0	1.0	1.0

9        Each inmate shall serve at least sixty days ~~prior to~~ before parole release. Inmates with life  
10 sentences are not eligible for parole. An initial parole date through the application of this grid  
11 may be applied to a life sentence only after the sentence is commuted to a term of years. A Class  
12 A or B felony commuted to a number of years shall be applied to the Class C violent column  
13 of the grid. An inmate convicted of a Class A or B felony who was a juvenile at the time of the  
14 offense and receives a sentence of less than life shall be applied to the Class C violent column  
15 of the grid.