

# State of South Dakota

NINETY-SECOND SESSION  
LEGISLATIVE ASSEMBLY, 2017

763Y0599

## HOUSE BILL NO. 1146

Introduced by: Representatives Brunner, Clark, and Rhoden and Senator Jensen (Phil)

1 FOR AN ACT ENTITLED, An Act to authorize parole for inmates that require extensive or  
2 chronic medical care.

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

4 Section 1. That § 24-15A-42 be amended to read:

5 24-15A-42. Pursuant to chapter 1-26, the board may promulgate procedural rules for the  
6 effective enforcement of this chapter and for the exercise of the powers and duties conferred  
7 upon it. Additionally, the board shall utilize the following standards in determining if the inmate  
8 has substantively met the requirements for parole release at the initial parole date:

- 9 (1) The inmate's compliance with work, school, and program directives;
- 10 (2) The inmate's compliance with the rules and policies of the department;
- 11 (3) Conduct by the inmate evincing an intent to reoffend; ~~and~~
- 12 (4) Mitigating factors impacting the warden's determination of substantive  
13 noncompliance; and
- 14 (5) The inmate's medical condition, if any, that requires extensive medical care or  
15 chronic medical care to treat the condition.



1       The board may also use standards in subdivisions (1) to (3), inclusive, and (5) of this section  
2       in discretionary parole decisions. In addition, in considering a discretionary parole for an inmate  
3       who previously violated parole, the board may consider the nature and seriousness of the  
4       conduct leading to the parole revocation. The board shall promulgate rules, pursuant to chapter  
5       1-26, to establish criteria for parole for an inmate that requires extensive medical care or chronic  
6       medical care.