

State of South Dakota

SEVENTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 1997

391A0010

SENATE BILL NO. 15

Introduced by: Senator Whiting and Representatives Belatti, Brooks, DeMersseman, Duniphan, Haley, and Koetzle at the request of the Interim Criminal Code Revision Committee

1 FOR AN ACT ENTITLED, An Act to revise the penalties for certain felony convictions.

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 eight
5 classes which are distinguished from each other by the respective maximum penalties hereinafter
6 set forth which are authorized upon conviction:

7 (1) Class A felony: death or life imprisonment in the state penitentiary. ~~A lesser sentence~~
8 ~~than death or life imprisonment may not be given for a Class A felony~~ In addition, a
9 fine of two hundred fifty thousand dollars may be imposed;

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

13 (3) Class 1 felony: ~~life~~ seventy-five years imprisonment in the state penitentiary. In
14 addition, a fine of ~~twenty-five~~ fifty thousand dollars may be imposed;

- 1 (4) Class 2 felony: twenty-five years imprisonment in the state penitentiary. In addition,
2 a fine of twenty-five thousand dollars may be imposed;
- 3 (5) Class 3 felony: fifteen years imprisonment in the state penitentiary. In addition, a fine
4 of fifteen thousand dollars may be imposed;
- 5 (6) Class 4 felony: ten years imprisonment in the state penitentiary. In addition, a fine of
6 ten thousand dollars may be imposed;
- 7 (7) Class 5 felony: five years imprisonment in the state penitentiary. In addition, a fine of
8 five thousand dollars may be imposed; and
- 9 (8) Class 6 felony: two years imprisonment in the state penitentiary or a fine of two
10 thousand dollars, or both.

11 The court, in imposing sentence on a defendant who has been found guilty of a felony, may
12 order in addition to the sentence that is imposed pursuant to the provisions of this section, that
13 the defendant make restitution to any victim in accordance with the provisions of chapter
14 23A-28.

15 Nothing in this section ~~shall limit~~ limits increased sentences for habitual criminals under
16 §§ 22-7-7 and 22-7-8.

17 Except in cases where punishment is prescribed by law, every offense declared to be a felony
18 and not otherwise classified is a Class 6 felony.

19 Section 2. That § 23A-20-20 be amended to read as follows:

20 23A-20-20. If an offense charged is a ~~Class A, Class B, or Class 1 felony~~ punishable by death
21 or life imprisonment, the prosecution and the defense each have twenty preemptory challenges.
22 In all other felony cases, the prosecution and the defense each have ten preemptory challenges.
23 In misdemeanor cases, the prosecution and the defense each have three preemptory challenges.