

AN ACT

ENTITLED, An Act to revise the procedure to fix a new time period for execution of a death sentence if the time period established by the original warrant of execution has passed.

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

Section 1. That § 23A-27A-31 be amended to read as follows:

23A-27A-31. If the time period for the execution of any convicted person in a capital case has passed by reason of a stay of proceedings incident to appellate review or by reason of the issuance of a writ of habeas corpus, certiorari, or other original remedial writ of the Supreme Court, or for any other reason, a judge of the circuit court shall issue a warrant of execution in accordance with § 23A-27A-15 appointing a new time period for the execution of the original sentence without requiring the convicted person to be brought before the court. Upon its issuance, the clerk of the court in which the sentence was pronounced shall immediately send a certified copy of the warrant to all attorneys of record, to the warden of the state penitentiary, and to the Governor. The warden shall execute the warrant accordingly. This procedure applies to any case in which the time period for carrying out the original warrant of execution has elapsed without regard to whether the original warrant was issued prior or subsequent to July 1, 1998.

An Act to revise the procedure to fix a new time period for execution of a death sentence if the time period established by the original warrant of execution has passed.

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I certify that the attached Act
originated in the

HOUSE as Bill No. 1056

Chief Clerk

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Speaker of the House

Attest:

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1056
File No. _____
Chapter No. _____

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Received at this Executive Office
this ____ day of _____ ,

19__ at ____ M.

By _____
for the Governor

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The attached Act is hereby
approved this _____ day of
_____, A.D., 19__

Governor

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STATE OF SOUTH DAKOTA,
ss.
Office of the Secretary of State

Filed _____ , 19__
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State