

# State of South Dakota

SEVENTY-SIXTH SESSION  
LEGISLATIVE ASSEMBLY, 2001

400E0230

## HOUSE BILL NO. 1024

Introduced by: The Committee on State Affairs at the request of the Department of  
Corrections

1 FOR AN ACT ENTITLED, An Act to authorize the release of certain information about adult  
2 inmates and parolees to victims, the community, and governmental entities.

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

4 Section 1. That § 23-5-7 be amended to read as follows:

5 23-5-7. All photographs, impressions, measurements, descriptions, or records taken or made  
6 as provided for in § 23-5-6 shall be filed and preserved ~~in~~ by the department or institution where  
7 made or taken and ~~shall, except as allowed pursuant to § 24-2-20, may~~ not be published,  
8 transferred, or circulated outside such department or institutions, nor exhibited to the public or  
9 any person or persons except duly authorized ~~peace~~ law enforcement officers unless the subject  
10 of such photograph, measurement, description, or other record ~~shall have become~~ becomes a  
11 fugitive from justice, or ~~shall have escaped~~ escapes from a penal or reformatory institution.

12 Section 2. That § 24-15-1 be amended to read as follows:

13 24-15-1. If a defendant is sentenced to the state penitentiary, the Department of Corrections  
14 shall develop a file which shall contain a complete history of the defendant. The executive  
15 director of the Board of Pardons and Paroles shall generate an adequate case history of each

1 inmate of the state penitentiary to enable him to make recommendations to the Board of Pardons  
2 and Paroles. The case history shall be transferred and kept as a permanent record of the  
3 Department of Corrections, solely for the proper supervision of the inmate by the Department  
4 of Corrections and as a guide to his needs. ~~Such~~ Except for the information authorized for  
5 release pursuant to § 24-2-20, such file may not be inspected by anyone other than members of  
6 the Board of Pardons and Paroles, its executive director, the secretary of corrections and any  
7 person specifically delegated for such access by the secretary of corrections, unless otherwise  
8 ordered by a circuit court.

9 Section 3. That § 24-15A-14 be amended to read as follows:

10 24-15A-14. If a defendant is sentenced to prison, the department shall develop a file which  
11 shall contain a complete history of the defendant. ~~The~~ Except for the information authorized for  
12 release pursuant to § 24-2-20, the record shall be a permanent record of the department, solely  
13 for the proper supervision of the inmate by the department and as a guide to the inmate's needs.  
14 The file may not be inspected by anyone other than members of the board, its executive director,  
15 the secretary and any person specifically delegated for such access by the secretary, unless  
16 otherwise ordered by a circuit court.

17 Section 4. That § 24-2-20 be amended to read as follows:

18 24-2-20. Notwithstanding the provisions of § 24-1-26, the records and any other facts that  
19 may have come to the knowledge of the warden and ~~his~~ the warden's opinion, when requested,  
20 regarding the fitness of any inmate, sentenced as an adult, for a modification of sentence, parole,  
21 pardon, or early release shall be furnished only to the sentencing court, the secretary of  
22 corrections, the Board of Pardons and Parole, or the Governor. The Department of Corrections  
23 may release the following information on any inmate or parolee sentenced as an adult for  
24 purposes of community and victim notification pursuant to subdivisions 23A-28C-1(10) and

(12), §§ 23A-28C-5, 24-15-8.1, 24-15-8.2, and 24-15A-22, and to other governmental entities  
as defined in section 5 of this Act:

(1) Name and any known aliases;

(2) Date of birth;

(3) Race and gender;

(4) Location of incarceration;

(5) Community of residence;

(6) Custody status and conditions of supervision;

(7) Any Department of Corrections sentence identification number;

(8) Any crime of conviction;

(9) Prosecution and defense counsel;

(10) Sentencing judge;

(11) Number of felony convictions;

(12) Sentence, time suspended, jail time credit, and revoked good-time credits;

(13) Offense, sentence, admission, release, and parole eligibility dates;

(14) Dates of pending hearings and outcomes of parole, suspended sentence, pardon, and  
commutation hearings;

(15) Status as an inmate, parolee, or person who has completed a prison term;

(16) County of conviction;

(17) Plea;

(18) Citizenship status;

(19) Birth town, state, and country; and

(20) Supervising agent.

Section 5. That chapter 24-2 be amended by adding thereto a NEW SECTION to read as

1 follows:

2 As used in section 4 of this Act, the term, governmental entities, means any department,  
3 division, or other public agency of a municipality, county, state, or nation.