

# State of South Dakota

SEVENTY-SIXTH SESSION  
LEGISLATIVE ASSEMBLY, 2001

400E0230

HOUSE STATE AFFAIRS COMMITTEE ENGROSSED

NO. **HB 1024** - 01/17/2001

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7 made or taken and shall not be published, transferred, or circulated outside such department or  
8 institutions, nor exhibited to the public or any person or persons except duly authorized ~~peace~~  
9 law enforcement officers unless the subject of such photograph, measurement, description, or  
10 other record ~~shall have become~~ becomes a fugitive from justice, or ~~shall have escaped~~ escapes  
11 from a penal ~~or reformatory~~ institution. However, this section shall not apply to the release of  
12 information allowed pursuant to § 24-2-20.

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

14 24-15-1. If a defendant is sentenced to the state penitentiary, the Department of Corrections

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

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

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

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

20 24-2-20. Notwithstanding the provisions of § 24-1-26, the records and any other facts that  
21 may have come to the knowledge of the warden and ~~his~~ the warden's opinion, when requested,  
22 regarding the fitness of any inmate, sentenced as an adult, for a modification of sentence, parole,  
23 pardon, or early release shall be furnished only to the sentencing court, the secretary of  
24 corrections, the Board of Pardons and Parole, or the Governor. The Department of Corrections

1 may release the following information on any inmate or parolee sentenced as an adult for  
2 purposes of community and victim notification pursuant to subdivisions 23A-28C-1(10) and  
3 (12), §§ 23A-28C-5, 24-15-8.1, 24-15-8.2, and 24-15A-22, and to other governmental entities  
4 as defined in section 5 of this Act:

- 5 (1) Name and any known aliases;
- 6 (2) Date of birth;
- 7 (3) Race and gender;
- 8 (4) Location of incarceration;
- 9 (5) Community of residence;
- 10 (6) Custody status and conditions of supervision;
- 11 (7) Any Department of Corrections sentence identification number;
- 12 (8) Any crime of conviction;
- 13 (9) Number of felony convictions;
- 14 (10) Sentence, time suspended, jail time credit, and revoked good-time credits;
- 15 (11) Offense, sentence, admission, release, and parole eligibility dates;
- 16 (12) Dates of pending hearings and final determinations of parole, suspended sentence,  
17 pardon, and commutation hearings;
- 18 (13) Status as an inmate, parolee, or person who has completed a prison term;
- 19 (14) County of conviction;
- 20 (15) Plea;
- 21 (16) Citizenship status;
- 22 (17) Birth town, state, and country; and
- 23 (18) Supervising agent.

24 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.

4 Section 6. That chapter 24-2 be amended by adding thereto a NEW SECTION to read as  
5 follows:

6 The Department of Corrections may distribute information listed in section 4 of this Act  
7 along with an identifying photograph of the inmate or parolee to the public through internet  
8 distribution. Once an inmate has been discharged from the custody of the Department of  
9 Corrections pursuant to § 24-5-2 or 24-15A-7, the department shall remove all information  
10 regarding the inmate's incarceration, including the inmate's photograph, from the internet.