

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

400E0230

SENATE STATE AFFAIRS COMMITTEE ENGROSSED

NO. **HB 1024** - 02/23/2001

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 including
6 confidential criminal investigative information, taken or made as provided for in § 23-5-6 shall
7 be filed and preserved ~~in~~ by the department or institution where made or taken and shall not be
8 published, transferred, or circulated outside such department or institutions, nor exhibited to the
9 public or any person or persons except duly authorized ~~peace~~ law enforcement officers unless
10 the subject of such photograph, measurement, description, or other record ~~shall have become~~
11 becomes a fugitive from justice, or ~~shall have escaped~~ escapes from a penal ~~or reformatory~~
12 institution. However, this section shall not apply to the release of information allowed pursuant
13 to § 24-2-20.

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

1 24-15-1. If a defendant is sentenced to the state penitentiary, the Department of Corrections
2 shall develop a file which shall contain a complete history of the defendant. The executive
3 director of the Board of Pardons and Paroles shall generate an adequate case history of each
4 inmate of the state penitentiary to enable him to make recommendations to the Board of Pardons
5 and Paroles. The case history shall be transferred and kept as a permanent record of the
6 Department of Corrections, solely for the proper supervision of the inmate by the Department
7 of Corrections and as a guide to his needs. ~~Such~~ Except for the information authorized for
8 release pursuant to § 24-2-20, such file may shall not be inspected by anyone other than members
9 of the Board of Pardons and Paroles, its executive director, the secretary of corrections and any
10 person specifically delegated for such access by the secretary of corrections, unless otherwise
11 ordered by a circuit court.

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

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

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

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

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

6 (1) Name and any known aliases;

7 (2) Date of birth;

8 (3) Race and gender;

9 (4) Location of incarceration;

10 (5) Community of residence;

11 (6) Custody status and conditions of supervision;

12 (7) Any Department of Corrections sentence identification number;

13 (8) Any crime of conviction;

14 (9) Number of felony convictions;

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

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

17 (12) Dates of pending hearings and final determinations of parole, suspended sentence,
18 pardon, and commutation hearings;

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

20 (14) County of conviction;

21 (15) Plea;

22 (16) Citizenship status; and

23 (17) Birth town, state, and country.

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.