

AN ACT

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

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

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

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as provided for in § 23-5-6 shall be filed and preserved by the department or institution where made or taken and shall not be published, transferred, or circulated outside such department or institutions, nor exhibited to the public or any person or persons except duly authorized law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

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

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

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

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

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

24-2-20. Notwithstanding the provisions of § 24-1-26, the records and any other facts that may have come to the knowledge of the warden and the warden's opinion, when requested, regarding the fitness of any inmate, sentenced as an adult, for a modification of sentence, parole, pardon, or early release shall be furnished only to the sentencing court, the secretary of corrections, the Board of Pardons and Parole, or the Governor. The Department of Corrections may release the following information on any inmate or parolee sentenced as an adult for 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) Number of felony convictions;
- (10) Sentence, time suspended, jail time credit, and revoked good-time credits;
- (11) Offense, sentence, admission, release, and parole eligibility dates;
- (12) Dates of pending hearings and final determinations of parole, suspended sentence, pardon, and commutation hearings;
- (13) Status as an inmate, parolee, or person who has completed a prison term;
- (14) County of conviction;
- (15) Plea;
- (16) Citizenship status; and
- (17) Birth town, state, and country.

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

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

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I certify that the attached Act
originated in the

HOUSE as Bill No. 1024

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. 1024

File No. _____

Chapter No. _____

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Received at this Executive Office
this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor

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The attached Act is hereby
approved this _____ day of
_____, A.D., 20____

Governor

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STATE OF SOUTH DAKOTA,
ss.

Office of the Secretary of State

Filed _____, 20____
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State