



2022 South Dakota Legislature

Senate Bill 111

Introduced by: **Senator Symens**

1 **An Act to revise provisions on aiding, abetting, or advising.**

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

3 **Section 1. That § 22-3-3 be AMENDED:**

4 **22-3-3.** Any person who, with the intent to promote or facilitate the commission
5 of a crime, aids, abets, or advises another person in planning or committing the crime, is
6 legally accountable, as a principal to the crime.

7 However, no person who aids, abets, or advises a crime may receive a longer
8 sentence, whether through a conviction or through a plea agreement, than the sentence
9 the principal receives for the crime or related crimes derived from the same set of
10 circumstances. This prohibition does not apply to any additional crimes the person
11 committed independent of the principal.

12 **Section 2. That chapter 23A-31 be amended with a NEW SECTION:**

13 A motion may be brought before the court to correct a sentence for a person
14 convicted of aiding, abetting, or advising the principal, whether through a conviction or a
15 plea agreement, if the principal received a shorter sentence for that crime than the person,
16 in violation of § 22-3-3. The court shall reduce the sentence to comply with § 22-3-3.