



2022 South Dakota Legislature

Senate Bill 172

Introduced by: **Senator Rusch**

1 **An Act to revise provisions regarding eligibility for parole for certain persons**
2 **sentenced to life imprisonment.**

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

4 **Section 1. That § 24-15-4 be AMENDED:**

5 **24-15-4.** No inmate sentenced to life imprisonment is eligible for parole by the
6 Board of Pardons and Paroles except ~~as:~~

7 (1) As provided in §§ 24-15A-55 to 24-15A-68, inclusive; or

8 (2) An inmate who was sentenced to life imprisonment for an offense that was
9 committed when the inmate was twenty-five years old or younger is eligible for
10 discretionary parole consideration when the inmate has served twenty-five years.
11 The board must consider the factors set forth in section 2 of this Act to determine
12 whether to grant parole under this subdivision.

13 If an inmate considered for discretionary parole under subdivision (2) of this
14 section is denied parole, the board shall establish a discretionary parole date of not less
15 than five years from the date of denial. Subsequent discretionary hearings must be held
16 at intervals of not more than two years.

17 An inmate granted parole pursuant to subdivision (2) of this section is otherwise
18 subject to the provisions of chapters 24-13, 24-15, and 24-15A.

19 **Section 2. That chapter 24-15A be amended with a NEW SECTION:**

20 In determining whether to grant parole under subdivision 24-15-4(2), the Board
21 of Pardons and Paroles shall consider:

22 (1) The inmate's age at the time of the offense, the diminished culpability of youth as
23 compared to adults, and the immaturity, impetuosity, and failure to appreciate
24 risks and consequences associated with being a youth;

25 (2) The history and characteristics of the inmate;

- (3) The inmate's family and community circumstances at the time of the offense, and any history of abuse, trauma, or involvement of the victim in the child welfare system;
- (4) The nature and circumstances of the offense and the extent of the inmate's role in the offense;
- (5) Whether the inmate has substantially complied with the rules of the institution to which the inmate is confined;
- (6) Whether the inmate has completed any educational, vocational, or other programs, where available, in addition to any mandatory educational, vocational, and work requirements;
- (7) If the inmate's behavioral or mental health is determined to have played a role in the commission of the offense, whether the inmate has completed any behavioral or mental health treatment;
- (8) Any report or recommendation received from the state's attorney in the county in which the inmate's conviction was entered;
- (9) Whether the inmate has demonstrated maturity, rehabilitation, and a fitness to reenter society;
- (10) Any statement provided by the victim of an offense;
- (11) Any reports of physical, mental, or psychiatric examination of the inmate conducted by licensed health care professionals; and
- (12) Any other information the board deems relevant to its decision.
- For purposes of this section, the term, victim, has the same meaning as in S.D. Const., Art. VI, § 29.

Section 3. The provisions of this Act apply retroactively.