



2025 South Dakota Legislature

House Bill 1096

HOUSE JUDICIARY ENGROSSED

Introduced by: **Representative** Fitzgerald

1 **An Act to prohibit eligibility for a suspended imposition of sentence for certain rape**
 2 **offenses.**

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

4 **Section 1. That § 23A-27-13 be AMENDED:**

5 **23A-27-13.** ~~Upon~~ Except as provided in section 2 of this Act, upon receiving a
 6 verdict or plea of guilty for a felony not punishable by death or life imprisonment by a
 7 person never before convicted of a crime ~~which that~~ at the time of conviction ~~thereof~~
 8 ~~would constitute~~ constitutes a felony in this state, a court having jurisdiction of the
 9 defendant, if satisfied that the ends of justice and the best interest of the public as well
 10 as the defendant will be served thereby, may, without entering a judgment of guilt, and
 11 with the consent of the defendant, suspend the imposition of sentence and place the
 12 defendant on probation for ~~such a~~ period and upon ~~such any~~ terms and conditions as the
 13 court may deem best. No person who has previously been granted, whether in this state
 14 or any other, a suspended imposition of sentence for a felony, is eligible to be granted a
 15 second suspended imposition of sentence for a felony. A court may ~~revoke such the~~
 16 suspension at any time during the probationary period and impose and execute sentence
 17 without diminishment or credit for any of the probationary period.

18 **Section 2. That a NEW SECTION be added to chapter 23A-27:**

19 No person who has been convicted of, or pled guilty or nolo contendere to, rape
 20 under subdivision 22-22-1(2) or (3) may be granted a suspended imposition of sentence
 21 under § 23A-27-13. This section does not apply to a person adjudicated as a juvenile or
 22 a juvenile tried as an adult for a crime under subdivisions 22-22-1(2) or (3).