

# State of South Dakota

NINETY-FOURTH SESSION  
LEGISLATIVE ASSEMBLY, 2019

400B0307

## HOUSE BILL NO. 1004

Introduced by: The Committee on Judiciary at the request of the Department of Corrections

1 FOR AN ACT ENTITLED, An Act to revise parole date calculation provisions.

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

3 Section 1. That § 24-15A-32 be amended to read:

4 24-15A-32. Each inmate sentenced to a penitentiary term, except those under a sentence of  
5 life or death, or determined to be ineligible for parole as authorized in § 24-15A-32.1, shall have  
6 an initial parole date set by the department. This date shall be calculated by applying the  
7 percentage indicated in the following grid to the full term minus any suspended time of the  
8 inmate's sentence pursuant to § 22-6-1. The following crimes or an attempt to commit, or a  
9 conspiracy to commit, or a solicitation to commit, any of the following crimes shall be  
10 considered a violent crime for purposes of setting an initial parole date: murder, manslaughter,  
11 rape, aggravated assault, riot, robbery, burglary in the first degree, burglary in the second degree  
12 if committed before July 1, 2006, arson, kidnapping, felony sexual contact as defined in § 22-  
13 22-7, child abuse, felony sexual contact as defined in § 22-22-7.2, felony stalking as defined in  
14 §§ 22-19A-2 and 22-19A-3, photographing a child in an obscene act, felony assault as defined  
15 in §§ 22-18-26 and 22-18-29, felony simple assault as defined in § 22-18-1, aggravated criminal



1 battery of an unborn child as defined in § 22-18-1.3, aggravated battery of an infant as defined  
 2 in § 22-18-1.4, assault with intent to cause serious permanent disfigurement as defined in § 22-  
 3 18-1.5, commission of a felony while armed as defined in § 22-14-12, discharging a firearm at  
 4 an occupied structure or motor vehicle as defined in § 22-14-20, discharging a firearm from a  
 5 moving vehicle as defined in § 22-14-21, criminal pedophilia, threatening to commit a sexual  
 6 offense as defined in § 22-22-45, abuse or neglect of a disabled adult as defined in § 22-46-2,  
 7 and aggravated incest as defined in §§ 22-22A-3 and 22-22A-3.1:

8 Felony Convictions				
9	Felony Class	First	Second	Third
10	Nonviolent			
11	Class 6	.25	.30	.40
12	Class 5	.25	.35	.40
13	Class 4	.25	.35	.40
14	Class 3	.30	.40	.50
15	Class 2	.30	.40	.50
16	Class 1	.35	.40	.50
17	Class C	.35	.40	.50
18	Violent			
19	Class 6	.35	.45	.55
20	Class 5	.40	.50	.60
21	Class 4	.40	.50	.65
22	Class 3	.50	.60	.70
23	Class 2	.50	.65	.75
24	Class 1	.50	.65	.75
25	Class C	.50	.65	.75
26	Class B	1.0	1.0	1.0
27	Class A	1.0	1.0	1.0

1        The application of the violent or nonviolent column of the grid is based on whether the  
2 inmate's current sentence is for a violent or nonviolent crime. Any prior felony shall be  
3 considered regardless of whether it is violent or nonviolent when determining which percentage  
4 to apply to the inmate's parole date calculation. Each inmate shall serve at least sixty days prior  
5 to parole release. Inmates with life sentences are not eligible for parole except as provided in  
6 §§ 24-15A-55 to 24-15A-68, inclusive. An initial parole date through the application of this grid  
7 may be applied to a life sentence only after the sentence is commuted to a term of years. A Class  
8 A or B felony commuted to a number of years shall be applied to the Class C violent column  
9 of the grid. An inmate convicted of a Class A or B felony who was a juvenile at the time of the  
10 offense and receives a sentence of less than life shall be applied to the Class C violent column  
11 of the grid.