

# State of South Dakota

SEVENTY-SECOND SESSION  
LEGISLATIVE ASSEMBLY, 1997

391A0010

SENATE JUDICIARY COMMITTEE

ENGROSSED NO. **SB15** - 2/4/97

Introduced by: Senator Whiting and Representatives Belatti, Brooks, DeMersseman, Duniphan, Haley, and Koetzle at the request of the Interim Criminal Code Revision Committee

1 FOR AN ACT ENTITLED, An Act to revise the penalties for certain felony convictions.

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

3 Section 1. That § 22-6-1 be amended to read as follows:

4 22-6-1. Except as otherwise provided by law, felonies are divided into the following eight  
5 classes which are distinguished from each other by the respective maximum penalties hereinafter  
6 set forth which are authorized upon conviction:

7 (1) Class A felony: death or life imprisonment in the state penitentiary. A lesser sentence  
8 than death or life imprisonment may not be given for a Class A felony. In addition, a  
9 fine of two hundred fifty thousand dollars may be imposed;

10 (2) Class B felony: life imprisonment in the state penitentiary. A lesser sentence may not  
11 be given for a Class B felony. In addition, a fine of one hundred thousand dollars may  
12 be imposed;

13 (3) Class 1 felony: life imprisonment in the state penitentiary. In addition, a fine of  
14 ~~twenty-five~~ fifty thousand dollars may be imposed;

- 1       (4)    Class 2 felony: twenty-five years imprisonment in the state penitentiary. In addition,  
2           a fine of twenty-five thousand dollars may be imposed;
- 3       (5)    Class 3 felony: fifteen years imprisonment in the state penitentiary. In addition, a fine  
4           of fifteen thousand dollars may be imposed;
- 5       (6)    Class 4 felony: ten years imprisonment in the state penitentiary. In addition, a fine of  
6           ten thousand dollars may be imposed;
- 7       (7)    Class 5 felony: five years imprisonment in the state penitentiary. In addition, a fine of  
8           five thousand dollars may be imposed; and
- 9       (8)    Class 6 felony: two years imprisonment in the state penitentiary or a fine of two  
10          thousand dollars, or both.

11       The court, in imposing sentence on a defendant who has been found guilty of a felony, may  
12       order in addition to the sentence that is imposed pursuant to the provisions of this section, that  
13       the defendant make restitution to any victim in accordance with the provisions of chapter  
14       23A-28.

15       Nothing in this section ~~shall limit~~ limits increased sentences for habitual criminals under  
16       §§ 22-7-7 and 22-7-8.

17       Except in cases where punishment is prescribed by law, every offense declared to be a felony  
18       and not otherwise classified is a Class 6 felony.

1    **BILL HISTORY**

2    January 14 - First read in Senate and referred to Judiciary. S.J. 14

3    January 27 - Scheduled for hearing.

4    January 27 - Deferred to another day. S.J. 185

5    February 3 - Passed. S.J. 295

6    February 3 - Passed as amended, AYES 6, NAYS 0. S.J. 295