

# State of South Dakota

NINETY-THIRD SESSION  
LEGISLATIVE ASSEMBLY, 2018

400Z0530

## HOUSE BILL NO. 1053

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

1 FOR AN ACT ENTITLED, An Act to provide certain earned discharge credits for inmates.

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

3 Section 1. That § 24-15A-50 be amended to read:

4 24-15A-50. Each parolee and inmate shall be awarded earned discharge credits as follows:

5 (1) For each full calendar month of compliance with the terms of supervision, an earned  
6 discharge credit of the number of days in that month shall be deducted from the  
7 parolee's sentence discharge date established in §§ 24-15A-6 and 24-5-1. No earned  
8 discharge credit may be awarded for partial months or for the first full calendar  
9 month of parole supervision in the community;

10 (2) For each full calendar month of compliance with the penitentiary rules, an earned  
11 discharge credit of ten days shall be deducted from the inmate's sentence prior to the  
12 calculation of the initial parole date. No earned discharge credit may be awarded for  
13 partial months or for the first full calendar month of penitentiary incarceration;

14 (3) A parolee is deemed to be compliant with the terms of supervision and shall be  
15 awarded earned discharge credits for the month if there was no violation of



1 conditions of supervision during the month at the level warranting formal response  
2 per standardized department directive. A parolee may not receive earned discharge  
3 credits for the month if the parolee had a violation of conditions resulting in a formal  
4 response;

5 (4) An inmate is deemed to be compliant for the month if there was no violation of  
6 penitentiary rules punishable by disciplinary segregation;

7 ~~(3)~~(5) No earned discharge credit may accrue for a calendar month in which a violation  
8 report has been submitted, the parolee has absconded from supervision, the parolee  
9 is under sanction of jailing or detainment, or for the months between the submission  
10 of the violation report and the final action on the violation report by the board. If the  
11 board does not find that the provisions of § 24-15A-27 or 24-15-20 have been  
12 violated, the board may include an award of earned discharge credits for the months  
13 the violation report was pending in the board's order to restore the parolee to the  
14 original or modified terms and conditions of parole;

15 ~~(4)~~(6) A parolee or inmate serving a sentence of life or death or a sentence for a conviction  
16 of a sex offense as defined in § 22-24B-1 or a violation of sex offender registry  
17 requirements or a violation of community safety zone requirements is not eligible for  
18 earned discharge credits under this section on any sentence of life or death or sex  
19 offense, sex offender registry violation, or community safety zone violation sentence;

20 ~~(5)~~(7) Earned discharge credits shall be applied ~~to the sentence discharge date~~ within thirty  
21 days of the end of the month in which the credits were earned. At least every six  
22 months, a parolee or inmate who is serving a sentence eligible for earned discharge  
23 credits shall be notified of the current sentence discharge date; and

24 ~~(6)~~(8) A parolee serving an eligible South Dakota prison sentence in any community in

1 another state under the Interstate Compact for Adult Offender Supervision is eligible  
2 for earned discharge credits pursuant to this chapter.

3 Section 2. That § 24-15A-51 be amended to read:

4 24-15A-51. Within fifteen days following the end of the month, a supervising parole agent  
5 or warden shall report to the department the name of any supervised parolee or inmate eligible  
6 for the award of discharge credits earned in the previous month.

7 Section 3. That § 24-15A-52 be amended to read:

8 24-15A-52. A parolee or inmate who objects to a parole agent's or warden's determination  
9 that the parolee or inmate is ineligible for the award of earned discharge credits under § 24-15A-  
10 50 may seek a review with the board. The board may determine if the parolee or inmate is  
11 eligible for the award of earned discharge credits and order that the credits be applied to the  
12 parolee's or inmate's sentence discharge date. The board may also determine if the parolee or  
13 inmate is ineligible for the award of earned discharge credits. This review may be of the  
14 parolee's or inmate's record. A personal appearance of the parolee or inmate is not required. The  
15 decision of the board is final.

16 Section 4. That chapter 24-15A be amended by adding a NEW SECTION to read:

17 The department may grant an inmate up to ninety days of earned discharge credits for each  
18 program completion; up to ninety days of earned discharge credits upon completion of three  
19 hundred sixty hours of satisfactory work not to exceed one hundred eighty days of earned  
20 discharge credit for work in a twelve-month period; and up to three hundred sixty-five days of  
21 earned discharge credits for heroic acts in life threatening situations, through significant efforts  
22 in disaster response or by providing exceptional assistance in maintaining the safety and security  
23 of a prison. Each program shall fit the definition of evidence based practices as defined in  
24 § 16-22-1, or consist of an academic or vocational program. Earned discharge credits under this

1 section may be granted if in the judgement of the warden and the secretary of corrections, the  
2 inmate has met the criteria set forth in this section. Nothing in this section may be the basis for  
3 establishing a constitutionally protected liberty, property, or due process interest in any inmate.  
4 Any earned discharge credit under this section shall be applied to the sentence prior to the  
5 calculation of the initial parole date.