

# State of South Dakota

NINETY-THIRD SESSION  
LEGISLATIVE ASSEMBLY, 2018

400Z0530

## SENATE JUDICIARY ENGROSSED NO. **HB 1053** 2/28/2018

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 chapter 24-15A be amended by adding a NEW SECTION to read:

4 The department may grant an inmate up to ninety days of earned discharge credits for each  
5 program completion; up to ninety days of earned discharge credits upon completion of three  
6 hundred sixty hours of satisfactory work not to exceed one hundred eighty days of earned  
7 discharge credit for work in a twelve-month period; and up to three hundred sixty-five days of  
8 earned discharge credits for heroic acts in life threatening situations, through significant efforts  
9 in disaster response or by providing exceptional assistance in maintaining the safety and security  
10 of a prison. Each program shall fit the definition of evidence based practices as defined in  
11 § 16-22-1, or consist of an academic or vocational program. Earned discharge credits under this  
12 section may be granted if in the judgement of the warden and the secretary of corrections, the  
13 inmate has met the criteria set forth in this section. Nothing in this section may be the basis for  
14 establishing a constitutionally protected liberty, property, or due process interest in any inmate.  
15 Any earned discharge credit under this section shall be applied to the sentence prior to the



1 calculation of the initial parole date.

2 Section 2. That § 24-15A-6 be amended to read:

3 24-15A-6. The department shall establish the sentence discharge date for each inmate based  
4 on the total sentence length, minus court ordered jail time credit. Each inmate shall be under the  
5 jurisdiction of the department, either incarcerated or under parole release or a combination, for  
6 the entire term of the inmate's total sentence length unless the board grants an early final  
7 discharge pursuant to § 24-15A-8, a partial early final discharge pursuant to § 24-15A-8.1, the  
8 court modifies the sentence, the inmate receives earned discharge credits pursuant to § 24-15A-  
9 50 or section 1 of this Act, the inmate receives a compliant discharge pursuant to § 16-22-29,  
10 or the sentence is commuted.