

State of South Dakota

NINETY-FIRST SESSION
LEGISLATIVE ASSEMBLY, 2016

990X0347

HOUSE BILL NO. 1167

Introduced by: Representatives Haugaard, Bolin, DiSanto, Greenfield (Lana), Marty, Qualm, Rasmussen, Schoenbeck, Steinhauer, Werner, and Wiik and Senators Holien, Jensen (Phil), and Monroe

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the use of a
2 suspended imposition of sentence for a misdemeanor and a felony.

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

4 Section 1. That § 23A-27-13 be amended to read:

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



1 conviction and one felony conviction. A court may revoke such suspension at any time during
2 the probationary period and impose and execute sentence without diminishment or credit for any
3 of the probationary period.