

# State of South Dakota

NINETY-FOURTH SESSION  
LEGISLATIVE ASSEMBLY, 2019

805B0631

## HOUSE BILL NO. 1228

Introduced by: Representative Brunner and Senators Nesiba and Wismer

1 FOR AN ACT ENTITLED, An Act to provide for certain inmates to petition for concurrent  
2 sentences.

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

4 Section 1. That chapter 24-15A be amended by adding a NEW SECTION to read:

5 Notwithstanding any other law, for any inmate serving consecutive sentences, the inmate  
6 may petition the sentencing court to have the sentences made concurrent if the inmate:

- 7 (1) Was sentenced for a conviction of a Class 2 felony or below;
- 8 (2) Has served at least ten consecutive years of the total sentenced to be served;
- 9 (3) Is at least sixty years of age;
- 10 (4) Is considered a chronic care or extensive care inmate, and whose care costs or will  
11 cost the department at least one hundred fifty percent of the average cost per inmate;
- 12 (5) Has adequate resources for care upon release, including living accommodations and  
13 health care;
- 14 (6) Is in compliance with all rules of discipline, including the inmate's individual  
15 program directive; and



- 1       (7)   Does not present a threat to public safety upon release.