



## 2022 South Dakota Legislature

# House Bill 1233

Introduced by: **Representative** Karr

1 **An Act to establish a hearing requirement for any person convicted of four or more**  
 2 **felony offenses prior to parole release.**

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

4 **Section 1. That chapter 24-15A be amended with a NEW SECTION:**

5 If an inmate has been convicted of four or more prior offenses, the board shall hold  
 6 a hearing at the time of the inmate's initial parole date to determine whether, in the  
 7 board's discretion, the inmate may be released to parole. An inmate may decline parole  
 8 consideration and waive the right to a hearing. The inmate may be released to parole if  
 9 the board is satisfied that the inmate:

- 10 (1) Has been confined in the penitentiary for a sufficient length of time to accomplish  
 11 the inmate's rehabilitation;  
 12 (2) Is not a danger to society;  
 13 (3) Has secured suitable employment, or beneficial occupation of the inmate's time is  
 14 likely to continue until the end of the period of the inmate's parole; and  
 15 (4) Has substantively complied with the individual program directive or, if an inmate  
 16 does not have an individual program directive, the inmate has substantively met  
 17 the requirements of § 24-15A-42.

18 Neither this section or its application may be the basis for establishing a  
 19 constitutionally protected liberty, property, or due process interest in any inmate. An  
 20 inmate not released at the time of the inmate's initial parole date under this section must  
 21 have a discretionary parole hearing at least every two years.