



2022 South Dakota Legislature

House Bill 1233

HOUSE JUDICIARY ENGROSSED

Introduced by: **Representative** Karr

1 **An Act to establish a parole hearing requirement for certain inmates.**

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

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

4 If an inmate has been convicted of three or more prior felony offenses and is
 5 subsequently convicted of an offense under § 32-23-4.6, 32-23-4.7, or 32-23-4.9, the
 6 board shall hold a hearing at the time of the inmate's initial parole date to determine
 7 whether, in the board's discretion, the inmate may be released to parole. An inmate may
 8 decline parole consideration and waive the right to a hearing. The inmate may be released
 9 to parole if 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.