

# State of South Dakota

NINETY-SECOND SESSION  
LEGISLATIVE ASSEMBLY, 2017

400Y0276

## SENATE BILL NO. 26

Introduced by: The Committee on Judiciary at the request of the Office of the Attorney General

1 FOR AN ACT ENTITLED, An Act to revise the state automated victim notification system.

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

3 Section 1. That § 23A-28C-1.2 be amended to read:

4 23A-28C-1.2. For the purposes of this chapter, the term, electronic notification, means any  
5 telephonic, electronic mail, text messaging, and facsimile transmittal notification or any  
6 notification as produced by the statewide automated victim information notification system as  
7 established pursuant to § 23A-28C-10. For purposes of this chapter, the term, SAVIN system,  
8 means the statewide automated victim information and notification system.

9 Section 2. That § 23A-28C-2 be amended to read:

10 23A-28C-2. At the commencement of a criminal proceeding subject to the terms of this  
11 chapter, the prosecutor, by first class mail or electronic mail notification, shall advise the victim  
12 of the rights set forth in this chapter. In order to take advantage of ~~such~~ the rights, the victim  
13 shall advise the prosecutor of ~~the~~ a desire to participate. A victim may choose to participate only  
14 in certain enumerated phases of the proceedings. A victim wishing to participate shall ~~advise~~  
15 ~~the prosecutor or the Department of Corrections of the place~~ register with the SAVIN system.



1 as defined by this chapter, where notifications, including electronic notification, required under  
2 this chapter are to be made, and of any changes in the place of notification. A prosecutor  
3 receiving notification of a victim's wish to participate shall approve the victim's status and shall  
4 keep record of that notification ~~and most recent place of notification~~ through the time of the  
5 defendant's final discharge from the criminal justice system in the SAVIN system. If the  
6 defendant is sentenced to the state prison system, the ~~prosecutor shall forward the information~~  
7 ~~to the Department of Corrections and the~~ Department of Corrections shall keep a record of the  
8 request for notification ~~and the most recent place of notification~~ in the SAVIN system until the  
9 defendant's final discharge from prison and parole. ~~The~~ A victim's request for notification and  
10 the place of notification is confidential and may not be disclosed to the defendant.

11 Section 3. That § 23A-28C-6 be amended to read:

12 23A-28C-6. Notice as required in § 23A-28C-5 shall be provided directly to the victim by  
13 the Department of Corrections through the SAVIN system if the defendant is incarcerated in an  
14 institution under the control of the Department of Corrections. If the defendant is incarcerated  
15 in an institution under the control of the Department of Social Services, or in any jail or in other  
16 facility due to the commission of a crime, notice as required in § 23A-28C-5 shall be provided  
17 to the victim by the state's attorney in the county where the person was convicted of that crime.

18 Section 4. That § 23A-28C-12 be amended to read:

19 23A-28C-12. The Department of Corrections, through the SAVIN system, shall provide  
20 notice to the victim ~~at least ten days~~ before the date of a discretionary parole hearing. The notice  
21 shall provide the inmate's parole eligibility date and the parole hearing date. The notice shall  
22 advise the victim that the victim may be present at the hearing and may state an opinion  
23 regarding the possible parole of the inmate.

24 Section 5. That § 23A-28C-13 be amended to read:

1       23A-28C-13. The victim may request to be notified by the Department of Corrections  
2 through the SAVIN system if:

- 3       (1) ~~An~~The offender is considered for early final discharge or partial early final discharge  
4             from parole ~~is considered~~;
- 5       (2) The offender is placed on or removed from work release, a global positioning system,  
6             or a community transition program; or
- 7       (3) ~~An~~The offender on parole absconds supervision.

8       Section 6. That § 24-1-36 be amended to read:

9       24-1-36. The sentencing judge may request to be notified by the Department of Corrections  
10 if ~~the~~ an inmate who was convicted of committing a crime escapes, is released from prison, is  
11 placed on furlough or work release pursuant to chapter 24-8, is returned from escape, or is  
12 removed from work release. ~~The notice may be by means of written communication, telephonic,~~  
13 ~~electronic mail, text messaging, or facsimile transmittal.~~ Any notice pursuant to this section  
14 shall be made through the statewide automated victim information and notification (SAVIN)  
15 system.