

AN ACT

ENTITLED, An Act to revise the state automated victim notification system.

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

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

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

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

23A-28C-2. At the commencement of a criminal proceeding subject to the terms of this chapter, the prosecutor, by first class mail or electronic mail notification, shall advise the victim of the rights set forth in this chapter. In order to take advantage of the rights, the victim shall advise the prosecutor of a desire to participate. A victim may choose to participate only in certain enumerated phases of the proceedings. A victim wishing to participate shall register with the SAVIN system, as defined by this chapter, where notifications, including electronic notification, required under this chapter are to be made, and of any changes in the place of notification. A prosecutor receiving notification of a victim's wish to participate shall approve the victim's status and shall keep record of that notification through the time of the defendant's final discharge from the criminal justice system in the SAVIN system. If the defendant is sentenced to the state prison system, the Department of Corrections shall keep a record of the request for notification in the SAVIN system until the defendant's final discharge from prison and parole. A victim's request for notification and the place of notification is confidential and may not be disclosed to the defendant.

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

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

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

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

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

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

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

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

24-1-36. The sentencing judge may request to be notified by the Department of Corrections if an inmate who was convicted of committing a crime escapes, is released from prison, is placed on furlough or work release pursuant to chapter 24-8, is returned from escape, or is removed from work release. Any notice pursuant to this section shall be made through the statewide automated victim

information and notification (SAVIN) system.

An Act to revise the state automated victim notification system.

=====

I certify that the attached Act
originated in the

SENATE as Bill No. 26

Secretary of the Senate

=====

President of the Senate

Attest:

Secretary of the Senate

Speaker of the House

Attest:

Chief Clerk

Senate Bill No. 26

File No. _____

Chapter No. _____

=====

Received at this Executive Office
this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor

=====

The attached Act is hereby
approved this _____ day of
_____, A.D., 20____

Governor

=====

STATE OF SOUTH DAKOTA,
ss.

Office of the Secretary of State

Filed _____, 20____
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State