

State of South Dakota

EIGHTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2013

491U0384

SENATE BILL NO. 39

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

1 FOR AN ACT ENTITLED, An Act to establish a penalty for a juvenile convicted as an adult
2 of a Class A or B felony and allow a sentence of up to life imprisonment after a sentencing
3 hearing.

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

5 Section 1. That chapter 22-6 be amended by adding thereto a NEW SECTION to read as
6 follows:

7 Notwithstanding subdivisions 22-6-1(1) and 22-6-1(2), a juvenile convicted as an adult of
8 a Class A or Class B felony is subject to a maximum penalty of life imprisonment. In addition,
9 a fine of fifty thousand dollars may be imposed. Prior to imposing a sentence the court shall
10 conduct a presentence hearing. The hearing shall be conducted to hear additional evidence in
11 mitigation and aggravation of punishment. At the hearing the court shall receive all relevant
12 evidence, including:

- 13 (1) Evidence supporting any aggravating circumstances;
- 14 (2) Testimony regarding the impact of the crime on the victim's family;
- 15 (3) Any prior criminal or juvenile record of the defendant and such information about the



- 1 defendant's characteristics and the circumstances of the defendant's behavior as may
- 2 be helpful in imposing sentence; and
- 3 (4) All evidence concerning any mitigating circumstances.