

AN ACT

ENTITLED, An Act to revise eligibility for a deferred imposition of sentence.

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

Section 1. That § 23A-27-53 be amended to read:

23A-27-53. After receiving a plea of guilty for a violation of § 22-42-5 or 22-42-5.1, a court that has jurisdiction of the defendant may, without entering a judgment of guilt, and with the consent of the defendant, defer the imposition of sentence and place the defendant on probation for a period, terms, and conditions as the court deems best. The conditions shall include that the defendant complete a drug and alcohol evaluation and complete any recommended course of treatment. If after one year, the defendant has successfully completed the course of treatment and complied with all conditions of probation, the court shall dismiss the charge under § 22-42-5 or 22-42-5.1 upon the defendant pleading guilty to ingestion under § 22-42-15 or possession under § 22-42-15.1. If the defendant violates any conditions of probation, the court shall revoke the deferred imposition of sentence and impose and execute the sentence. No person who has previously been granted a deferred imposition of sentence is eligible to be granted a second deferred imposition of sentence. A defendant is ineligible for the deferred imposition of sentence under this section if aggravating circumstances exist as defined by § 22-6-11. A defendant serving a sentence under the supervision of the executive branch is not eligible for a deferred imposition of sentence.

An Act to revise eligibility for a deferred imposition of sentence.

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I certify that the attached Act
originated in the

HOUSE as Bill No. 1003

Chief Clerk
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Speaker of the House

Attest:

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1003

File No. _____

Chapter No. _____

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Received at this Executive Office
this _____ day of _____ ,

20____ at _____ M.

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

Governor
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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