

2025 South Dakota Legislature

Senate Bill 57**AMENDMENT 57A
FOR THE INTRODUCED BILL**

1 **An Act to revise presumptive probation.**

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

3 **Section 1. That § 22-6-11 be AMENDED:**

4 **22-6-11.** The sentencing court shall sentence an offender convicted of a Class 5
5 or Class 6 felony, except those convicted under §§ 22-11-15.5, 22-11-15.7, 22-11A-2.1,
6 22-14-15, 22-18-1, 22-18-1.05, 22-18-26, 22-18-29, 22-19A-1, 22-19A-2, 22-19A-3,
7 22-19A-7, 22-19A-16, 22-22A-2, 22-22A-4, 22-22-24.3, subdivision 22-23-2(2), 22-24-
8 1.2, 22-24B-2, 22-24B-12, 22-24B-12.1, 22-24B-23, 22-30A-17 if the property stolen is
9 a firearm, 22-30A-46, 22-42-7, subdivision 23A-43-31(1), subdivision 24-2-14(1), 32-23-
10 4.6, 32-33-18.2, and 32-34-5, and any person ineligible for probation under § 23A-27-
11 12, to a term of probation.

12 ~~If the offender is under the supervision of the Department of Corrections, the court~~
13 ~~must order a fully suspended state incarceration sentence pursuant to § 23A-27-18.4.~~ The
14 sentencing court may impose a sentence other than probation or a fully suspended state
15 incarceration sentence if the court finds aggravating circumstances exist that pose a
16 significant risk to the public and require a departure from presumptive probation under
17 this section. If a departure is made, the judge must state the aggravating circumstances
18 on the record at the time of sentencing and in the dispositional order.

19 If the offender was under ~~felony~~ probation or parole supervision at the time of the
20 instant offense, this section does not apply.

21 Neither this section nor its application may be the basis for establishing a
22 constitutionally protected liberty, property, or due process interest.