

# SOUTH DAKOTA

## STATISTICAL INFORMATION

**Current Governor:** Mike Rounds  
**Term of Office:** Jan. 2003 - Jan. 2007

**Legislative Term:** Jan. - Mar.

**Total Inmate Pop.**

(As of 5/30/05): 3,352      **White: 69%   Black: 5%   Latino/a: 0%   Other: 26%**

**Death Row Pop.**

(As of 4/1/05): 4      **White: 4   Black: 0   Latino/a: 0   Other: 0**

**EXECUTIONS:**

**Since 1976:** 0      **White: 0   Black: 0   Latino/a: 0   Other: 0**  
(As of 6/28/05)

**Carried out in 2003:** 0

**Carried out in 2004:** 0

**Carried out in 2005:** 0      **Scheduled for 2005:** 0  
(As of 6/28/05)

**INMATES REMOVED FROM DEATH ROW BETWEEN 1973 AND 2004**

*(does not include those executed by the state or those who died of natural causes ):*

**Total Number:** 0

**Sentence/Conviction  
overturned (minus  
exoneration):** 0

**Sentence reduced:** 0

**Exoneration:** 0

**Other:** 0

**RELATED STATUTORY PROVISIONS:**

**Life without Parole:** yes

**Prohibits the execution of juvenile offenders:** yes

**Prohibits the execution of mentally retarded offenders:** yes

**Prohibits the execution of mentally ill offenders:** no

**CURRENT STATUS OF THE MORATORIUM:**

**Moratorium:** no

**Study:** no

## HISTORY OF LEGISLATION ADDRESSING ABA ISSUES

### Moratorium/Study:

Current: 2005: One bill was tabled that would repeal capital punishment (HB1143).

Previous Years: 2004: Repeals the death penalty and commutes certain death sentences to life imprisonment (SB207).

### Capital Offenses and Procedures:

Current: 2005: One bill failed to create an act to prohibit the imposition of certain death sentences if the defendant is not a serious and continuing threat to the lives of others (SB206).

Previous Years: None

### Aggravating and Mitigating Circumstances:

Current: 2005: One bill failed sine die that would revise certain provisions relating to the aggravating circumstances in death penalty cases (HB1238).

Previous Years: None.

### DNA Testing and Preservation of Material Evidence:

Current: None.

Previous Years: None.

### Crime Labs and Medical Examiner Offices:

Current: None.

Previous Years: None.

### Counsel Qualifications, Training, and Competency:

Current: None.

Previous Years: None.

### Counsel Compensation:

Current:

Previous Years: 2004 : One bill failed sine die that would have authorized the Chief Public Defender to use money in a new fund to contract for representation of defendants in capital felony cases and enacted a new section of the Public Defender Act (SB275).

### Judges and Juries:

Current: None.

Previous Years: None.

**Racial and Ethnic**

**Minorities:**

**Current: None.**

**Previous Years: None.**

**Juvenile Offenders:**

**Current: None**

**Previous Years: 2004 : One bill signed into effect by the governor prohibits the imposition of the death penalty to offenders who were under age 18 at the time of the offense (SB182).2003: One bill failed in the House that would prohibit the execution of juvenile offenders (SB141). 1999 : See Mental Retardation 1999.**

**Mental Retardation.**

**Mental Disability and**

**Mental Competency: Current: None.**

**Previous Years: 2000 : One bill signed into law prohibits the death penalty for mentally retarded defendants; 1999 : One bill introduced would have eliminated the death penalty for mentally retarded defendants and for defendants under the age of 18.**

**STATE AND LOCAL GOVERNMENTS AND LEGAL ORGANIZATIONS  
THAT HAVE PASSED MORATORIUM RESOLUTIONS**

none

**\*\*Last Updated on July 6, 2005**





