



DEPARTMENT OF CORRECTIONS

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State Supreme Court Upholds Split Parole System March 10, 2000

(Pierre)--The South Dakota Supreme Court has upheld the new parole system that took effect in 1996. In a unanimous decision, the high court upheld a 1999 ruling by a circuit court judge that parole laws can treat inmates differently depending on when their crimes were committed.

On July 1, 1996, a new state law took effect that established a new parole system. Under this new system, prison inmates convicted on or after that date who behave and meet certain requirements on work, education and treatment are released on parole at their first eligibility.

Under the "old" parole system, the release of prisoners convicted before July 1, 1996 is at the discretion of the Board of Pardons and Paroles. The board can grant parole if it believes an inmates has been incarcerated for a sufficient time to be rehabilitated, is no longer a threat to society and has arranged for suitable employment upon release from prison.

A group of inmates argued that the different standards violated their rights. But the Supreme Court cited prior court rulings that have determined that it is constitutional to require inmates sentenced before the creation of a new parole system to serve their sentences under the old parole system.