

2025 South Dakota Legislature

House Bill 1115**AMENDMENT 1115B
FOR THE INTRODUCED BILL**

1 **An Act to establish the crime of aggravated criminal entry of a motor vehicle with**
2 **the intent to steal a firearm or firearm silencer, to make offenders ineligible**
3 **for presumptive probation, and to provide a penalty therefor.**

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

5 **Section 1. That a NEW SECTION be added to chapter 22-32:**

6 Any person who enters or remains in a motor vehicle and takes or exercises control
7 over the property of another, ~~with the intent to deprive the owner of that property,~~ and
8 ~~the that~~ property is a firearm or a firearm silencer, regardless of value, is guilty of a Class
9 5 felony.

10 **Section 2. That § 22-6-11 be AMENDED:**

11 **22-6-11.** The sentencing court shall sentence an offender convicted of a Class 5
12 or Class 6 felony, except those convicted under §§ 22-11A-2.1, 22-14-15, 22-18-1, 22-
13 18-1.05, 22-18-26, 22-18-29, 22-19A-1, 22-19A-2, 22-19A-3, 22-19A-7, 22-19A-16, 22-
14 22A-2, 22-22A-4, 22-22-24.3, subdivision 22-23-2(2), 22-24-1.2, 22-24B-2, 22-24B-12,
15 22-24B-12.1, 22-24B-23, 22-30A-17 if the property stolen is a firearm, 22-30A-46,
16 section 1 of this Act, 22-42-7, subdivision 24-2-14(1), 32-23-4.6, 32-34-5, and any
17 person ineligible for probation under § 23A-27-12, to a term of probation. If the offender
18 is under the supervision of the Department of Corrections, the court must order a fully
19 suspended state incarceration sentence pursuant to § 23A-27-18.4. The sentencing court
20 may impose a sentence other than probation or a fully suspended state incarceration
21 sentence if the court finds aggravating circumstances exist that pose a significant risk to
22 the public and require a departure from presumptive probation under this section. If a
23 departure is made, the judge must state the aggravating circumstances on the record at
24 the time of sentencing and in the dispositional order. Neither this section nor its application

- 1 may be the basis for establishing a constitutionally protected liberty, property, or due
- 2 process interest.

AMENDMENT