



Select South Dakota Mandatory Minimum Laws

IMPORTANT NOTE: This is not necessarily a complete list. Laws frequently change, and these sentences may no longer be accurate or up to date. Talk with a lawyer in your state if you have questions.

Drug Offenses

Code Section	Offense	Mandatory Minimum Sentence
§ 22-42-2	Manufacturing, distributing, dispensing, possessing with intent to manufacture/distribute/dispense, or creating a substance or counterfeit substance in Schedules I-II*, or conspiracy to do so <ul style="list-style-type: none"> - First offense - Second or subsequent offense 	1 Year** 10 Years**
§ 22-42-2	Distributing a substance or counterfeit substance in Schedules I-II* to a minor, or conspiracy to do so <ul style="list-style-type: none"> - First offense - Second or subsequent offense 	5 Years** 15 Years**
§ 22-42-3 / § 22-42-4	Manufacturing, distributing, dispensing, possessing with intent to manufacture/distribute/dispense, or creating a substance or counterfeit substance in Schedules III-IV* <ul style="list-style-type: none"> - First offense - Second or subsequent offense 	30 Days 1 Year
§ 22-42-3	Distributing a substance or counterfeit substance in Schedule III* to a minor <ul style="list-style-type: none"> - First offense - Second or subsequent offense 	90 Days 2 Years
§ 22-42-4	Distributing a substance or counterfeit substance in Schedule IV* to a minor <ul style="list-style-type: none"> - First offense - Second or subsequent offense 	30 Days 1 Year
§ 22-42-7	Distributing or possessing with intent to distribute one-half ounce or more of marijuana <ul style="list-style-type: none"> - First offense - Second or subsequent offense 	30 Days 1 Year
§ 22-42-7	Distributing or possessing with intent to distribute any amount of marijuana to a minor <ul style="list-style-type: none"> - First offense - Second or subsequent offense 	30 Days 1 Year

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Drug Offenses, cont.

Code Section	Offense	Mandatory Minimum Sentence
§ 22-42-19	Committing a violation of §§ 22-42-2, 22-42-3, 22-42-4, or 22-42-7 while in a drug free zone***	5 Years, added to the sentence for the underlying crime**

*For a complete list of substances in Schedules I-IV, please see § 34-20B-11 - § 34-20B-26, available at <http://legis.state.sd.us/statutes/DisplayStatute.aspx?Type=Statute&Statute=34-20B>.

**Under § 22-42-2.3 and § 22-42-19, the court may impose a sentence other than that required for these crimes if the court finds in writing that mitigating circumstances exist which require a departure from the mandatory sentence.

***A drug free zone is defined as: (1) an area within 1,000 feet of a school or playground; or (2) an area within 500 feet of a youth center, public swimming pool, or video arcade. See § 22-42-19(1)-(2) for more information, available at <http://legis.state.sd.us/statutes/DisplayStatute.aspx?Type=Statute&Statute=22-42-19>.

Weapons Offenses

Code Section	Offense	Mandatory Minimum Sentence
§ 22-14-12	Committing or attempting to commit a felony while armed with a firearm*	5 Years, added to the sentence for the underlying crime
§ 22-14-12	Second or subsequent offense of committing or attempting to commit a felony while armed with a firearm*	10 Years, added to the sentence for the underlying crime

*Per § 22-14-14, no offense may be charged under this law if the use of a dangerous weapon is a necessary element of the felony committed. See <http://legis.state.sd.us/statutes/DisplayStatute.aspx?Type=Statute&Statute=22-14-14> for more information.