



## South Dakota Safety Valves

**IMPORTANT NOTE: Laws change frequently, and this may not be an up-to-date description of safety valves available. Talk with a lawyer in your state if you have questions about safety valves.**

Code Section	Safety Valves
§ 22-42-2.3	<p>Courts may sentence defendants below the mandatory minimum sentences listed in § 22-42-2 for manufacturing, distributing, dispensing, possessing with intent to manufacture/distribute/dispense, or creating a substance or counterfeit substance in Schedules I-II*, or distributing a Schedule I or II substance or counterfeit substance to a minor, if the court finds that mitigating circumstances exist that require a departure from the mandatory minimum sentence.</p> <p>The court's finding of mitigating circumstances and the factual basis relied upon by the court must be put in writing.</p>
§ 22-42-19	<p>Courts may sentence defendants below the mandatory minimum sentences for committing a violation of §§ 22-42-2, 22-42-3, 22-42-4, or 22-42-7 while in a drug free zone if the court finds that mitigating circumstances exist that require a departure from the mandatory minimum sentence.</p> <p>The court's finding of mitigating circumstances and the factual basis relied upon by the court must be put in writing.</p>