

State of South Dakota

EIGHTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 2009

841Q0401

HOUSE BILL NO. 1123

Introduced by: Representatives Vanderlinde, Blake, Dennert, Fargen, Gibson, Hoffman, Hunhoff (Bernie), Killer, Kirschman, and Sly and Senators Adelstein, Abdallah, Ahlers, Bradford, Dempster, Gant, Kloucek, Miles, and Peterson

1 FOR AN ACT ENTITLED, An Act to remove certain sanctions related to public assistance for
2 certain felony drug offenders.

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

4 Section 1. That chapter 28-12 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 Pursuant to section 115(d)(1)(A) of Public Law 104-193, South Dakota opts out of the
7 provisions of section 115(a)(2) of Public Law 104-193 to the extent provided in this section.

8 Any person who has been convicted of a felony offense, an element of which involves the
9 possession, use, or distribution of a controlled substance, as defined in 21 U.S.C. § 802, is
10 eligible for public assistance pursuant to the food stamp program only if:

11 (1) The person is actively complying with the conditions of probation or has discharged
12 the sentence associated with the felony conviction; and

13 (2) The person has completed, or is actively participating in, drug or alcohol treatment,
14 if required.

