

State of South Dakota

SEVENTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 1997

880A0533

SENATE BILL NO. 114

Introduced by: Senators Whiting, Benson, Halverson, and Lawler and Representatives Wetz, Belatti, Duniphan, Kooistra, and Peterson (Bill)

1 FOR AN ACT ENTITLED, An Act to revise certain restrictions on the detention of children in
2 an adult jail or lockup and the physical separation of such children from adult prisoners.

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

4 Section 1. That § 26-7A-26 be amended to read as follows:

5 26-7A-26. No apparent, alleged, or adjudicated abused or neglected child may be securely
6 detained at any time in a jail, lockup, or in any type of detention or temporary care facility
7 containing adult prisoners.

8 An apparent or alleged delinquent child may be held in an adult lockup or jail for up to six
9 hours for purposes of identification, processing, interrogation, transfer to juvenile facility, or
10 release to parents if the delinquent child is physically separated from adult prisoners.

11 Any apparent, alleged, or adjudicated child in need of supervision or adjudicated delinquent
12 child ~~between the ages of fourteen and seventeen years of age~~ or older may be held in an adult
13 lockup or jail for up to seven days if physically separated from adult prisoners.

14 A child who has been formally transferred to adult court pursuant to § 26-11-4 may be held
15 in an adult lockup or jail if the child is ~~fifteen, sixteen, or seventeen years old~~ of age or older and

1 the child is alleged to have committed an offense defined as a crime of violence under subdivision
2 22-1-2(9) or of sexual contact under § 22-22-7.

3 The restrictions of this section pertaining to detention in an adult jail or lockup and to
4 physical separation from adult prisoners do not apply to any child who has subsequently attained
5 the age of majority.