

State of South Dakota

SEVENTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 1998

907B0396

HOUSE BILL NO. 1182

Introduced by: Representatives Moore and Kooistra

1 FOR AN ACT ENTITLED, An Act to repeal certain provisions restricting persons who have
2 possessed, used, or distributed controlled substances or marijuana from participation in
3 certain extracurricular activities or financial aid assistance.

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

5 Section 1. That § 13-32-9 be repealed.

6 ~~13-32-9. Any person adjudicated, convicted, or the subject of a suspended imposition of~~
7 ~~sentence for possession, use, or distribution of controlled substances or marijuana as defined in~~
8 ~~chapter 22-42 is ineligible to participate in any extracurricular activity at any secondary school~~
9 ~~accredited by the Department of Education and Cultural Affairs for one year. Upon a subsequent~~
10 ~~adjudication, conviction, or suspended imposition of sentence for possession, use, or distribution~~
11 ~~of controlled substances or marijuana by a court of competent jurisdiction, that person is~~
12 ~~ineligible to participate in any extracurricular activity while that person is attending any school~~
13 ~~accredited by the Department of Education and Cultural Affairs. Upon such a determination in~~
14 ~~any juvenile proceeding the Unified Judicial System shall give notice of that determination to the~~
15 ~~South Dakota High School Activities Association and the chief administrator of the school in~~
16 ~~which the person is enrolled.~~

1 ~~As used in this section, the term, extracurricular activity, means any activity sanctioned by~~
2 ~~the South Dakota High School Activities Association.~~

3 Section 2. That § 13-55-29 be repealed.

4 ~~13-55-29. Any person adjudicated, convicted, or the subject of a suspended imposition of~~
5 ~~sentence for possession, use, or distribution of controlled substances or marijuana as defined in~~
6 ~~chapter 22-42 under circumstances which would constitute a felony under South Dakota law is~~
7 ~~ineligible for any scholarship for attendance at a postsecondary institution to the extent such~~
8 ~~scholarship is funded by the State of South Dakota. Upon receiving a request from the chief~~
9 ~~administrator of the postsecondary educational institution, the Unified Judicial System shall send~~
10 ~~notice of whether the person who is the subject of the request was adjudicated in a juvenile~~
11 ~~proceeding of possessing, using, or distributing controlled substances or marijuana as defined in~~
12 ~~chapter 22-42 under circumstances which would constitute a felony under South Dakota law if~~
13 ~~that person were an adult.~~

14 Section 3. That § 13-53-42 be repealed.

15 ~~13-53-42. Any person who has been determined by a court of competent jurisdiction to have~~
16 ~~possessed, used, or distributed controlled substances or marijuana as defined in chapter 22-42~~
17 ~~under circumstances which would constitute a felony under South Dakota law while enrolled at~~
18 ~~a South Dakota state supported institution of higher education is ineligible to participate in any~~
19 ~~form of intercollegiate extracurricular competition at any South Dakota state supported~~
20 ~~institution of higher education. Upon receiving a request from the chief administrator of the~~
21 ~~postsecondary educational institution, the Unified Judicial System shall send notice of whether~~
22 ~~the person who is the subject of the request was adjudicated in a juvenile proceeding of~~
23 ~~possessing, using, or distributing controlled substances or marijuana as defined in chapter 22-42~~
24 ~~under circumstances which would constitute a felony under South Dakota law if that person~~
25 ~~were an adult.~~