

State of South Dakota

SEVENTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 1998

607B0467

HOUSE JUDICIARY COMMITTEE ENGROSSED NO. **SB141** - 2/19/98

Introduced by: Senators Daugaard and Brown (Arnold) and Representative Fischer-Clemens

1 FOR AN ACT ENTITLED, An Act to allow any person with the authorization of law
2 enforcement or the Department of Social Services to take photographs, videotapes, or
3 electronic images of a child if abuse or neglect is suspected.
4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:
5 Section 1. That § 26-8A-16 be amended to read as follows:
6 26-8A-16. Any person ~~receiving~~ who receives a report under § 26-8A-3 may ~~require that~~
7 take or cause to be taken color photographs ~~be taken,~~ videotapes, or other images of the areas
8 of trauma visible on a child who is the subject of the report and may require, after notice to a
9 parent, a radiological or other medical examination or testing of the child without the consent
10 of the child's parents, guardian, or custodian. All photographs, videotapes, or other images taken
11 pursuant to this section shall be taken by a law enforcement ~~officials or by official,~~ the
12 Department of Social Services, or a person authorized by a law enforcement official or the
13 department. All photographs, videotapes, other images, X rays, and test results, or copies of
14 them, shall be sent to the appropriate law enforcement agency or state's attorney or to the
15 Department of Social Services. Photographs, videotapes, and other images need not be made a

1 part of the child's medical or hospital records. Any photograph, videotape, or other image shall
2 be destroyed by the Department of Social Services if no criminal prosecution or civil action is
3 initiated within three years of the date that such material was received by the Department of
4 Social Services.

1 **BILL HISTORY**

2 1/21/98 First read in Senate and referred to Judiciary. S.J. 140

3 1/30/98 Scheduled for Committee hearing on this date.

4 1/30/98 Judiciary Do Pass, Passed, AYES 7, NAYS 0. S.J. 256

5 2/2/98 Motion to Amend, Passed. S.J. 286

6 2/2/98 Senate Do Pass Amended, Passed, AYES 32, NAYS 2. S.J. 286

7 2/3/98 First read in House and referred to Judiciary. H.J. 371

8 2/17/98 Scheduled for Committee hearing on this date.

9 2/17/98 Judiciary Do Pass Amended, Passed, AYES 13, NAYS 0. H.J. 741