

AN ACT

ENTITLED, An Act to specify the responsible party for inmate transportation to court-ordered hearings.

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

Section 1. That § 19-5-5 be amended to read as follows:

19-5-5. A person confined in any prison, facility, or program under the control of the Department of Corrections pursuant to § 1-15-1.4, may, by order of any court, be required to be produced for oral examination, by the Department of Corrections, in the county where the person is imprisoned.

Section 2. That § 19-5-6 be amended to read as follows:

19-5-6. Except as provided by § 19-5-5, the examination of a person confined in any prison, facility, or program under the control of the Department of Corrections pursuant to § 1-15-1.4, shall be by deposition.

While an inmate's deposition is being taken, the inmate shall remain in the custody of the officer in charge of the inmate, and the officer in charge shall afford reasonable facilities for the taking of the deposition. If the court orders that an inmate be present for oral examination in a county other than where the inmate is housed, the county where the action is venued is responsible for the transport of the inmate.

Section 3. That chapter 1-15 be amended by adding thereto a NEW SECTION to read as follows:

If an inmate confined in any prison, facility, or program under the control of the Department of Corrections pursuant to § 1-15-1.4, is ordered by the court to be present at a criminal proceeding or a sentence modification hearing pursuant to § 23A-27-19, the prosecuting county shall transport the inmate to the proceeding or hearing. If an inmate is ordered by a court to be present at a hearing under § 26-7A-122, the county where the hearing is held shall transport the inmate to the hearing. However, if the proceeding is for a criminal offense committed while the inmate was in a Department of Corrections institution, the Department of Corrections shall transport the inmate to the proceeding.

Section 4. That chapter 1-15 be amended by adding thereto a NEW SECTION to read as follows:

In the event a county fails to transport an inmate as required in this Act, the county may be billed for the cost of the transport and is responsible for the payment thereof.

Section 5. That chapter 1-15 be amended by adding thereto a NEW SECTION to read as follows:

In the event the Department of Corrections fails to transport an inmate as required in this Act, the department may be billed for the cost of the transport and is responsible for the payment thereof.

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I certify that the attached Act originated in the

SENATE as Bill No. 21

Secretary of the Senate

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President of the Senate

Attest:

Secretary of the Senate

Speaker of the House

Attest:

Chief Clerk

Senate Bill No. 21

File No. _____

Chapter No. _____

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Received at this Executive Office this ____ day of _____ ,

19__ at ____ M.

By _____
for the Governor

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The attached Act is hereby approved this _____ day of _____ , A.D., 19__

Governor

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STATE OF SOUTH DAKOTA,
ss.
Office of the Secretary of State

Filed _____ , 19__
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State