

State of South Dakota

SEVENTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 1999

763C0345

SENATE BILL NO. 94

Introduced by: Senators Daugaard, Brosz, Brown (Arnold), Madden, Olson, and Shoener and Representatives Michels, Broderick, Davis, Diedrich (Larry), Duniphan, Fiegen, Fischer-Clemens, Fitzgerald, Hennies, McCoy, McIntyre, Peterson, Sebert, and Solum

1 FOR AN ACT ENTITLED, An Act to allow certain law enforcement officers or the Department
2 of Social Services to take photographs, videotapes, or electronic images of a child if abuse
3 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 a radiological or
9 other medical examination or testing of the child without the consent of the child's parents,
10 guardian, or custodian. All photographs, videotapes, or other images taken pursuant to this
11 section shall be taken by a law enforcement official ~~officials or by official,~~ the Department of Social
12 Services, or a person authorized by a law enforcement official or the department. All
13 photographs, videotapes, other images, X rays, and test results, or copies of them, shall be sent
14 to the appropriate law enforcement agency or state's attorney or to the Department of Social
15 Services. These photographs, videotapes, and other images need not be made a part of the

1 child's medical or hospital records. Any photograph, videotapes, or other image shall be
2 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.