

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

372D0464

HOUSE BILL NO. 1105

Introduced by: Representatives Volesky, Fischer-Clemens, and Haley and Senators Moore, Flowers, and Kloucek

1 FOR AN ACT ENTITLED, An Act to prohibit the commitment of certain children in need of
2 supervision to juvenile correction facilities.

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

4 Section 1. That § 26-8B-6 be amended to read as follows:

5 26-8B-6. If a child has been adjudicated as a child in need of supervision, the court shall enter
6 a decree of disposition according to the least restrictive alternative available in keeping with the
7 best interests of the child. The decree shall contain one or more of the following alternatives:

8 (1) The court may place the child on probation or under protective supervision in the
9 custody of one or both parents, guardian, custodian, relative, or another suitable
10 person under conditions imposed by the court;

11 (2) The court may require as a condition of probation that the child report for assignment
12 to a supervised work program, provided the child is not placed in a detention facility
13 and is not deprived of the schooling that is appropriate to the child's age, needs, and
14 specific rehabilitative goals. The supervised work program shall be of a constructive
15 nature designed to promote rehabilitation, shall be appropriate to the age level and
16 physical ability of the child and shall be combined with counseling by a court services

1 officer or other guidance personnel. The supervised work program assignment shall
2 be made for a period of time consistent with the child's best interests, but may not
3 exceed ninety days;

4 (3) If the court finds that the child has violated a valid court order, the court may place
5 the child in a detention facility, for purposes of disposition if:

6 (a) The child is not deprived of the schooling that is appropriate for the child's age,
7 needs, and specific rehabilitative goals;

8 (b) The child had a due process hearing before the order was issued;

9 (c) Before the issuance of such order, a local interagency team, authorized
10 pursuant to § 27A-15-56 shall review the behavior of the child and the
11 circumstances under which such child was brought before the court and made
12 subject to such order; determine the reasons for the behavior that caused such
13 child to be brought before the court and made subject to such order; determine
14 that all dispositions, including treatment, other than placement in a detention
15 facility or the Department of Corrections, have been exhausted or are clearly
16 inappropriate; and submit to the court a written report stating the results of the
17 review and determinations made;

18 (4) The court may require the child to pay for any damage done to property or for
19 medical expenses under conditions set by the court if payment can be enforced
20 without serious hardship or injustice to the child;

21 (5) The court may commit the child to the Department of Corrections for placement in
22 a ~~juvenile correctional facility~~, foster home, group home, group care center, or
23 residential treatment center pursuant to chapter 26-11A;

24 (6) The court may place a child in an alternative educational program;

25 (7) The court may order the child to be examined and treated at the Human Services

1 Center;

2 (8) The court may impose a fine not to exceed five hundred dollars;

3 (9) The court may order the suspension or revocation of the child's driving privilege or
4 restrict the privilege in such manner as it sees fit or as required by § 32-12-52.4.

5 No adjudicated child in need of supervision may be incarcerated in a detention facility except
6 as provided in subdivision (3) of this section.