

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

826D0617

SENATE BILL NO. 100

Introduced by: Senators Dunn (Rebecca), Dennert, Flowers, Hutmacher, Kloucek, Lange, Lawler, Olson, Reedy, and Symens and Representatives Haley, Davis, Fischer-Clemens, Kazmerzak, Koetzle, Lockner, Lucas, Patterson, Sutton (Daniel), and Waltman

1 FOR AN ACT ENTITLED, An Act to provide that certain minors in the custody of the
2 Department of Corrections be segregated from others.

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

4 Section 1. That chapter 26-8B be amended by adding thereto a NEW SECTION to read as
5 follows:

6 While in the custody of the Department of Corrections, no child in need of supervision, as
7 defined in § 26-8B-2, may be placed in any facility, program, locality, or environment which
8 causes or is likely to cause the child in need of supervision to be in either direct physical contact
9 or prolonged physical proximity to any delinquent child, as defined in § 26-8C-2. The provisions
10 of this Act do not prohibit the Department of Corrections from placing children in need of
11 supervision in any facility or from requiring children in need of supervision to participate in any
12 program, if the placement or participation can be facilitated without any contact with delinquent
13 children.

14 Section 2. That chapter 26-8B be amended by adding thereto a NEW SECTION to read as
15 follows:

1 The term, direct physical contact or prolonged physical proximity, as used in this Act, does
2 not refer to accidental contact, minimal incidental contact, or visual contact from a distance
3 sufficient to preclude any likelihood of direct physical contact.