

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

826D0617

SENATE JUDICIARY COMMITTEE

ENGROSSED NO. **SB100** - 2/8/00

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

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

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

1 **BILL HISTORY**

2 1/18/00 First read in Senate and referred to Judiciary. S.J. 75

3 1/21/00 Scheduled for Committee hearing on this date.

4 1/21/00 Deferred by Chair.

5 1/28/00 Scheduled for Committee hearing on this date.

6 2/2/00 Scheduled for Committee hearing on this date.

7 2/2/00 Deferred by Chair.

8 2/4/00 Scheduled for Committee hearing on this date.

9 2/4/00 Judiciary Do Pass Amended, Passed, AYES 4, NAYS 3. S.J. 327