

AN ACT

ENTITLED, An Act to permit the detention in an adult jail of certain juveniles convicted as adults.

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

Section 1. That § 26-7A-26 be amended to read as follows:

26-7A-26. No apparent, alleged, or adjudicated abused or neglected child may be securely detained at any time in a jail, lockup, or in any type of detention or temporary care facility containing adult prisoners.

An apparent, alleged, or adjudicated child in need of supervision or an apparent, alleged, or adjudicated delinquent child fourteen years of age or older may be held in detention in an adult lockup or jail if physically separated from adult prisoners subject to any restrictions under this chapter or chapter 26-8A, 26-8B, or 26-8C.

An apparent, alleged, or adjudicated child in need of supervision or an apparent, alleged, or adjudicated delinquent child may be held in an adult lockup or jail for up to six hours for purposes of identification, processing, interrogation, transfer to juvenile facility, or release to parents if the child is physically separated from adult prisoners.

A child who has been transferred to adult court pursuant to § 26-11-4 or a child who is being tried in circuit court as an adult pursuant to § 26-11-3.1 may be held in detention in an adult lockup or jail if physically separated from adult prisoners.

A child who has attained the age of majority who is under the continuing jurisdiction of the court may be held in detention in an adult jail or lockup.

A child under the age of eighteen years who has been transferred to adult court pursuant to § 26-11-3.1 or 26-11-4 and who has been convicted of a felony as an adult may be held in detention in an adult jail or lockup.

An Act to permit the detention in an adult jail of certain juveniles convicted as adults.

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I certify that the attached Act
originated in the

HOUSE as Bill No. 1109

Chief Clerk

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Speaker of the House

Attest:

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1109

File No. _____

Chapter No. _____

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Received at this Executive Office
this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor

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The attached Act is hereby
approved this _____ day of
_____, A.D., 20____

Governor

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

Filed _____, 20____
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State