

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

109E0010 **HOUSE EDUCATION COMMITTEE ENGROSSED NO.**
HB 1006 - 01/16/2001

Introduced by: Representatives Heineman, Brown (Richard), Juhnke, and Pummel and
Senators Munson, Brosz, Diedrich (Larry), Everist, Hutmacher, McIntyre,
and Reedy at the request of the Interim Education Committee

1 FOR AN ACT ENTITLED, An Act to adjust the use of the capital outlay fund.

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

3 Section 1. That § 13-16-6 be amended to read as follows:

4 13-16-6. The capital outlay fund of the school district is a fund provided by law to meet
5 expenditures ~~of three hundred dollars or more~~ which result in the acquisition or lease of or
6 additions to real property, plant, or equipment. Such an expenditure shall be for land, existing
7 facilities, improvement of grounds, construction of facilities, additions to facilities, remodeling
8 of facilities, or for the purchase or lease of equipment. It may also be used for installment or
9 lease-purchase payments for the purchase of real property, plant or equipment, which have a
10 contracted terminal date not exceeding twenty years from the date of the installment contract or
11 lease-purchase and for the payment of the principal of and interest on capital outlay certificates
12 issued pursuant to § 13-16-6.2.

13 Any purchase of one thousand dollars or less may be paid out of the general fund. The total
14 accumulated unpaid principal balances of such installment contracts and lease-purchase and the

1 outstanding principal amounts of such capital outlay certificates may not exceed three percent
2 of the taxable valuation. The school district shall provide a sufficient levy each year under the
3 provisions of § 13-16-7 to meet the annual installment contract, lease-purchase and capital outlay
4 certificate payments, including interest.

5 A school district which contracts its student transportation may expend from the capital
6 outlay fund an amount not to exceed fifteen percent of the contract amount.

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

400E0335

HOUSE STATE AFFAIRS COMMITTEE ENGROSSED

NO. **HB 1022** - 01/17/2001

Introduced by: The Committee on State Affairs at the request of the Department of
Corrections

1 FOR AN ACT ENTITLED, An Act to authorize the Department of Corrections to construct
2 prison industries buildings at the South Dakota State Penitentiary, the Jameson Prison
3 Annex, and the Mike Durfee State Prison, and to make an appropriation therefor.

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

5 Section 1. There is hereby appropriated from the prison industries revolving fund the sum
6 of one million one hundred and seventy-seven thousand dollars (\$1,177,000), or so much thereof
7 as may be necessary, to the Department of Corrections for the construction, completion,
8 furnishing, equipping, and maintaining of three prison industries buildings including utilities,
9 architectural and engineering services, plumbing, water, sewer, electric facilities, construction
10 of sidewalks and driveways, landscaping of the grounds, and site preparation at the South
11 Dakota State Penitentiary, Sioux Falls, the Jameson Prison Annex, Sioux Falls, and the Mike
12 Durfee State Prison, Springfield.

13 Section 2. The design and construction of the buildings shall be under the general charge and
14 supervision of the Bureau of Administration as provided in chapter 5-14.

1 Section 3. The Bureau of Administration and the Department of Corrections shall approve
2 vouchers and the state auditor shall draw warrants to pay expenditures authorized by this Act.

3 Section 4. Any amounts appropriated in this Act not lawfully expended or obligated by
4 June 30, 2002, shall revert in accordance with § 4-8-21.

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

400E0232

HOUSE STATE AFFAIRS COMMITTEE ENGROSSED

NO. **HB 1023** - 01/17/2001

Introduced by: The Committee on State Affairs at the request of the Department of
Corrections

1 FOR AN ACT ENTITLED, An Act to provide for abuse and neglect screening through the
2 Department of Social Services central registry for certain Department of Corrections
3 employees and volunteers and for employees and volunteers of certain adolescent treatment
4 programs.

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

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

8 Upon receipt of names of current or potential employees or volunteers from the Juvenile
9 Division of the Department of Corrections or any adolescent treatment program operated by the
10 Department of Human Services, the Department of Social Services shall compare the names to
11 the central registry for abuse and neglect and report any findings to the requesting program
12 director or to Bureau of Personnel human resource manager.

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

400E0230

HOUSE STATE AFFAIRS COMMITTEE ENGROSSED

NO. **HB 1024** - 01/17/2001

Introduced by: The Committee on State Affairs at the request of the Department of
Corrections

1 FOR AN ACT ENTITLED, An Act to authorize the release of certain information about adult
2 inmates and parolees to victims, the community, and governmental entities.

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

4 Section 1. That § 23-5-7 be amended to read as follows:

5 23-5-7. All photographs, impressions, measurements, descriptions, or records taken or made
6 as provided for in § 23-5-6 shall be filed and preserved ~~in~~ by the department or institution where
7 made or taken and shall not be published, transferred, or circulated outside such department or
8 institutions, nor exhibited to the public or any person or persons except duly authorized ~~peace~~
9 law enforcement officers unless the subject of such photograph, measurement, description, or
10 other record ~~shall have become~~ becomes a fugitive from justice, or ~~shall have escaped~~ escapes
11 from a penal ~~or reformatory~~ institution. However, this section shall not apply to the release of
12 information allowed pursuant to § 24-2-20.

13 Section 2. That § 24-15-1 be amended to read as follows:

14 24-15-1. If a defendant is sentenced to the state penitentiary, the Department of Corrections

1 shall develop a file which shall contain a complete history of the defendant. The executive
2 director of the Board of Pardons and Paroles shall generate an adequate case history of each
3 inmate of the state penitentiary to enable him to make recommendations to the Board of Pardons
4 and Paroles. The case history shall be transferred and kept as a permanent record of the
5 Department of Corrections, solely for the proper supervision of the inmate by the Department
6 of Corrections and as a guide to his needs. ~~Such~~ Except for the information authorized for
7 release pursuant to § 24-2-20, such file ~~may~~ shall not be inspected by anyone other than members
8 of the Board of Pardons and Paroles, its executive director, the secretary of corrections and any
9 person specifically delegated for such access by the secretary of corrections, unless otherwise
10 ordered by a circuit court.

11 Section 3. That § 24-15A-14 be amended to read as follows:

12 24-15A-14. If a defendant is sentenced to prison, the department shall develop a file which
13 shall contain a complete history of the defendant. ~~The~~ Except for the information authorized for
14 release pursuant to § 24-2-20, the record shall be a permanent record of the department, solely
15 for the proper supervision of the inmate by the department and as a guide to the inmate's needs.
16 The file may not be inspected by anyone other than members of the board, its executive director,
17 the secretary and any person specifically delegated for such access by the secretary, unless
18 otherwise ordered by a circuit court.

19 Section 4. That § 24-2-20 be amended to read as follows:

20 24-2-20. Notwithstanding the provisions of § 24-1-26, the records and any other facts that
21 may have come to the knowledge of the warden and ~~his~~ the warden's opinion, when requested,
22 regarding the fitness of any inmate, sentenced as an adult, for a modification of sentence, parole,
23 pardon, or early release shall be furnished only to the sentencing court, the secretary of
24 corrections, the Board of Pardons and Parole, or the Governor. The Department of Corrections

1 may release the following information on any inmate or parolee sentenced as an adult for
2 purposes of community and victim notification pursuant to subdivisions 23A-28C-1(10) and
3 (12), §§ 23A-28C-5, 24-15-8.1, 24-15-8.2, and 24-15A-22, and to other governmental entities
4 as defined in section 5 of this Act:

- 5 (1) Name and any known aliases;
- 6 (2) Date of birth;
- 7 (3) Race and gender;
- 8 (4) Location of incarceration;
- 9 (5) Community of residence;
- 10 (6) Custody status and conditions of supervision;
- 11 (7) Any Department of Corrections sentence identification number;
- 12 (8) Any crime of conviction;
- 13 (9) Number of felony convictions;
- 14 (10) Sentence, time suspended, jail time credit, and revoked good-time credits;
- 15 (11) Offense, sentence, admission, release, and parole eligibility dates;
- 16 (12) Dates of pending hearings and final determinations of parole, suspended sentence,
17 pardon, and commutation hearings;
- 18 (13) Status as an inmate, parolee, or person who has completed a prison term;
- 19 (14) County of conviction;
- 20 (15) Plea;
- 21 (16) Citizenship status;
- 22 (17) Birth town, state, and country; and
- 23 (18) Supervising agent.

24 Section 5. That chapter 24-2 be amended by adding thereto a NEW SECTION to read as

1 follows:

2 As used in section 4 of this Act, the term, governmental entities, means any department,
3 division, or other public agency of a municipality, county, state, or nation.

4 Section 6. That chapter 24-2 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 The Department of Corrections may distribute information listed in section 4 of this Act
7 along with an identifying photograph of the inmate or parolee to the public through internet
8 distribution. Once an inmate has been discharged from the custody of the Department of
9 Corrections pursuant to § 24-5-2 or 24-15A-7, the department shall remove all information
10 regarding the inmate's incarceration, including the inmate's photograph, from the internet.

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

400E0191

HOUSE JUDICIARY COMMITTEE ENGROSSED NO.

HB 1061 - 01/17/2001

Introduced by: The Committee on Judiciary at the request of the Department of Game,
Fish and Parks

1 FOR AN ACT ENTITLED, An Act to prohibit certain persons from applying for a hunting,
2 fishing, or trapping license, to provide for an automatic revocation of any license or privilege,
3 and to provide for a penalty for a violation thereof.

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

5 Section 1. That chapter 41-1 be amended by adding thereto a NEW SECTION to read as
6 follows:

7 No person who is subject to an unpaid and unsatisfied judgment in favor of the State of
8 South Dakota for wildlife civil damages as determined in § 41-1-5.1 may purchase, attempt to
9 purchase, or possess any South Dakota hunting, fishing, or trapping license. If any person is in
10 violation of this section, such person's hunting, fishing, or trapping licenses and privileges are
11 automatically revoked without hearing until the judgment is paid in full and satisfied. A violation
12 of this section is a Class 1 misdemeanor.

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

444E0107

HOUSE JUDICIARY COMMITTEE ENGROSSED NO.

HB 1071 - 01/17/2001

Introduced by: Representatives Brown (Jarvis), Gillespie, Klaudt, Kooistra, Madsen,
Pummel, and Solum and Senators Duxbury, Brosz, and Greenfield

1 FOR AN ACT ENTITLED, An Act to revise the time criterion for the termination of certain
2 liens and encumbrances.

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

4 Section 1. That § 28-14-20 be amended to read as follows:

5 28-14-20. Any lien or encumbrance created under this chapter prior to July 1, ~~1937~~ 1970,

6 is hereby terminated as a matter of law.