

# State of South Dakota

SEVENTY-SEVENTH SESSION  
LEGISLATIVE ASSEMBLY, 2002

433H0297

## HOUSE ENGROSSED NO. **HB 1119** - 02/06/2002

Introduced by: Representatives Murschel, Abdallah, Begalka, Broderick, Brown (Richard), Elliott, Flowers, Heineman, McCaulley, Olson (Mel), Sutton (Duane), and Teupel and Senators Moore, Hutmacher, Koetzle, McIntyre, and Sutton (Dan)

1 FOR AN ACT ENTITLED, An Act to revise certain eligibility restrictions relating to secondary  
2 school extracurricular activities.

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

4 Section 1. That § 13-32-9 be amended to read as follows:

5 13-32-9. Any person adjudicated, convicted, or the subject of a suspended imposition of  
6 sentence for possession, use, or distribution of controlled substances or marijuana as defined in  
7 chapter 22-42 is ineligible to participate in any extracurricular activity at any secondary school  
8 accredited by the Department of Education and Cultural Affairs for one year. However, if the  
9 person has been adjudicated, convicted, or the subject of a suspended imposition of sentence for  
10 possession or use of controlled substances or marijuana as defined in chapter 22-42, the one-year  
11 suspension may be reduced to sixty calendar days if the person participates in an assessment with  
12 a certified chemical dependency counselor or completes an accredited intensive prevention  
13 program. If the assessment indicates the need for a higher level of care, the student is required  
14 to complete the prescribed program before becoming eligible to participate in extracurricular



1 activities. Upon a subsequent adjudication, conviction, or suspended imposition of sentence for  
2 possession, use, or distribution of controlled substances or marijuana by a court of competent  
3 jurisdiction, that person is ineligible to participate in any extracurricular activity while that person  
4 is attending any school accredited by the Department of Education and Cultural Affairs.  
5 However, if the person has been adjudicated, convicted, or the subject of a suspended imposition  
6 of sentence for possession or use of controlled substances or marijuana as defined in chapter 22-  
7 42, the permanent suspension may be reduced to one hundred twenty calendar days if the person  
8 participates in a complete alcohol, tobacco, and other drug assessment with a certified chemical  
9 dependency counselor and completes a minimum of sixty hours of counseling with a certified  
10 chemical dependency counselor or completes an accredited treatment program. The student is  
11 required to complete any prescribed program before becoming eligible to participate in  
12 extracurricular activities. Upon ~~such~~ a determination in any juvenile proceeding that a person  
13 has been adjudicated, convicted, or received a suspended imposition of sentence for possession,  
14 use, or distribution of a controlled substance, the Unified Judicial System shall give notice within  
15 five days of that determination to the South Dakota High School Activities Association and the  
16 chief administrator of the school in which the person is enrolled. As used in this section, the term,  
17 extracurricular activity, means any activity sanctioned by the South Dakota High School  
18 Activities Association.