

# State of South Dakota

SEVENTY-EIGHTH SESSION  
LEGISLATIVE ASSEMBLY, 2003

391I0364

## SENATE ENGROSSED NO. **HB 1211** - 03/03/2003

Introduced by: Representatives Bradford, Adelstein, Bartling, Elliott, Engels, Gillespie, Glenski, Hanson, Hennies, Hundstad, Hunhoff, Kroger, Lange, Miles, Nesselhuf, Olson (Mel), Peterson (Jim), Sigdestad, Valandra, and Van Norman and Senators Moore, Abdallah, and Kloucek

1 FOR AN ACT ENTITLED, An Act to allow the housing of prisoners from other jurisdictions  
2 on Indian reservations under certain circumstances.

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

4 Section 1. That § 24-11-3 be amended to read as follows:

5 24-11-3. If there is no jail or juvenile detention facility in the county, or if the jail or juvenile  
6 detention facility in the county is crowded, unsafe, or otherwise insufficient to conform to the  
7 requirements of this chapter, every judicial or executive officer of the county who has the power  
8 to order, sentence, or deliver any person to the county jail or juvenile detention facility may  
9 order, sentence, or deliver such person to the jail or juvenile detention facility of any near or  
10 adjoining state, Indian reservation, county, organized township, or municipality, pursuant to a  
11 written agreement to house such prisoner. The written agreement shall contain provisions  
12 addressing liability issues and facility standards, shall contain appropriate provisions assuring that  
13 the agency housing the prisoner shall release the prisoner to the county from which the prisoner  
14 was committed within two days of receiving a request from the committing county, and shall also



1 contain a waiver of any applicable sovereign immunity on any issue involving such prisoner. Any  
2 written agreement with a federally recognized Indian tribe shall receive approval from the Bureau  
3 of Indian Affairs prior to the delivery of any prisoner. The county from which the prisoner was  
4 committed shall pay to the agency housing the prisoner all expenses of keeping and maintaining  
5 the prisoner in the jail or juvenile detention facility, including the cost of building depreciation,  
6 administration, and a reasonable charge for obsolescence of the facility and all other tangible and  
7 intangible costs.