

# State of South Dakota

EIGHTY-FIRST SESSION  
LEGISLATIVE ASSEMBLY, 2006

835M0581

## SENATE ENGROSSED NO. **HB 1147** - 02/08/2006

Introduced by: Representatives Murschel, Cutler, Dykstra, Hackl, Halverson, Heineman, Hennies, Hunhoff, Kroger, McCoy, O'Brien, Rounds, and Thompson and Senators Schoenbeck, Abdallah, Bartling, Broderick, Dempster, Knudson, Moore, Nesselhuf, Sutton (Dan), and Sutton (Duane)

1 FOR AN ACT ENTITLED, An Act to revise certain eligibility restrictions related 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, the subject of an informal adjustment or court-  
6 approved juvenile diversion program, or the subject of a suspended imposition of sentence for  
7 possession, use, or distribution of controlled drugs or substances or marijuana as defined in  
8 chapter 22-42, or for ingesting, inhaling, or otherwise taking into the body any substances as  
9 prohibited by § 22-42-15, is ineligible to participate in any extracurricular activity at any  
10 secondary school accredited by the Department of Education for one calendar year from the date  
11 of adjudication, conviction, diversion, or suspended imposition of sentence. The one-year  
12 suspension may be reduced to sixty school days if the person participates in an assessment with  
13 a certified chemical dependency counselor or completes an accredited intensive prevention or  
14 treatment program. If the assessment indicates the need for a higher level of care, the student



1 is required to complete the prescribed program before becoming eligible to participate in  
2 extracurricular activities. Upon a subsequent adjudication, conviction, diversion, or suspended  
3 imposition of sentence for possession, use, or distribution of controlled drugs or substances or  
4 marijuana as defined in chapter 22-42, or for ingesting, inhaling, or otherwise taking into the  
5 body any substances as prohibited by § 22-42-15, by a court of competent jurisdiction, that  
6 person is ineligible to participate in any extracurricular activity ~~while that person is attending~~  
7 at any secondary school accredited by the Department of Education. Upon such a determination  
8 in any juvenile court proceeding the Unified Judicial System shall give notice of that  
9 determination to the South Dakota High School Activities Association and the chief  
10 administrator of the school in which the person is ~~enrolled~~ participating in any extracurricular  
11 activity.

12 Upon placement of the person in an informal adjustment or court-approved juvenile  
13 diversion program, the state's attorney who placed the person in that program shall give notice  
14 of that placement to the South Dakota High School Activities Association and chief  
15 administrator of the school in which the person is participating in any extracurricular activity.

16 As used in this section, the term, extracurricular activity, means any activity sanctioned by  
17 the South Dakota High School Activities Association.