

2020 South Dakota Legislature

House Bill Draft 204

Introduced by:

1 **An Act to require evaluation of certain substance abuse offenders.**

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

3 **Section 1.** That a NEW SECTION be added:

4 **22-42-5.2. Evaluation of persons for the possession or ingestion of a**
5 **controlled drug or substance--Costs.**

6 Any person convicted of an offense pursuant to §§ 22.42-5 or 22.42-5.1, in
7 addition to the penalties provided in §§ 22.42-5 or 22.42-5.1, shall be required to undergo
8 a court-ordered evaluation by an addiction counselor licensed or certified by the Board of
9 Addiction and Prevention Professionals pursuant to § 36-34-13.1 or a licensed or certified
10 health care professional with specialized training in chemical dependency evaluation to
11 determine if the defendant is chemically dependent. The cost of the evaluation shall be
12 paid by the defendant. The recommendations and the information provided to the
13 evaluator for the evaluation, in consideration of the recommendations regarding prior use
14 by the person, shall be provided to the referring judge. This evaluation shall occur
15 regardless if the defendant is eligible for or receives presumptive probation under § 22-6-
16 11.