

# State of South Dakota

## EIGHTY-SECOND SESSION LEGISLATIVE ASSEMBLY, 2007

759N0616

### SENATE BILL NO. 168

Introduced by: Senators Hunhoff, Dempster, Garnos, Heidepriem, and Turbak and  
Representatives Rounds, Cutler, Engels, Gillespie, Hargens, Lucas, and  
Tidemann

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the reporting  
2 requirements of the juvenile corrections monitor.

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

4 Section 1. That § 26-11A-27 be amended to read as follows:

5 26-11A-27. The monitor created in § 26-11A-25 shall:

- 6 (1) Investigate incidents of abuse or neglect of such individuals within the juvenile  
7 corrections facilities, if the incidents are reported to the monitor or if there is  
8 reasonable suspicion to believe that the incidents occurred;
- 9 (2) Access any individual in the custody or care of juvenile corrections facilities and any  
10 employee in the employ of the State of South Dakota or any of its political  
11 subdivisions;
- 12 (3) Access any records of or relating to any individual in the custody or care of juvenile  
13 facilities;
- 14 (4) Provide a semi-annual report to the Governor, the Legislature, the Corrections  
15 Commission established by § 1-15-1.13, the Council of Juvenile Services established



1        in § 1-15-29, the secretary of the Department of Human Services, ~~and~~ the secretary  
2        of the Department of Corrections, the chief justice of the Supreme Court, and the  
3        presiding judge in each judicial circuit court. The report shall contain the activities  
4        of the monitor for the six-month period immediately prior to the report. Activities  
5        shall reflect the number of referrals to the monitor, the number of investigations  
6        completed, results of the investigations, corrective actions taken, and a summary of  
7        other activities performed by the monitor;

8        (5)    Provide training and assistance to employees of the Department of Corrections in  
9        areas within the scope of the monitor's position;

10       (6)    Review Department of Corrections' policies dealing with juvenile's rights to ensure  
11       compliance with federal and state laws, rules, and policy;

12       (7)    Provide reasonable notification of the existence and role of the monitor to all  
13       individuals in the custody or care of a juvenile corrections facility and the custodial  
14       parent or guardian.