

# State of South Dakota

EIGHTY-THIRD SESSION  
LEGISLATIVE ASSEMBLY, 2008

319P0547

## HOUSE JUDICIARY ENGROSSED NO. **HB 1163** - 1/30/2008

Introduced by: Representatives Cutler, Feinstein, Lucas, Rave, and Willadsen and Senators Gray, Hunhoff, Jerstad, Koetzle, and Turbak Berry

1 FOR AN ACT ENTITLED, An Act to increase the duration of juvenile diversion programs.

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

3 Section 1. That § 26-7A-11 be amended to read as follows:

4 26-7A-11. A report of a preliminary investigation involving an apparent child in need of  
5 supervision or an apparent delinquent child may be referred under § 26-7A-10 only if:

6 (1) The child and the child's parents, guardian, or other custodian were informed of their  
7 constitutional and legal rights, including being represented by an attorney at every  
8 stage of the proceedings if a petition is filed;

9 (2) The facts are admitted and establish prima facie jurisdiction; and

10 (3) Written consent is obtained from the child's parents, guardian, or custodian and from  
11 the child if the child is of sufficient age and understanding. Efforts to effect informal  
12 adjustment may extend no longer than ~~three~~ six months from the date of such  
13 consent.

