

2023 South Dakota Legislature

Draft 151

Requested by: at the request of the Study Committee on Juvenile Justice

1 **An Act to expand the Juvenile Justice Oversight Council.**

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

3 **Section 1. That § 26-8D-9 be AMENDED:**

4 **26-8D-9.** The oversight council shall meet within ninety days following
5 appointment and shall meet semiannually thereafter. The oversight council ~~terminates~~
6 ~~eight years after its first meeting shall terminate on June 30, 2031,~~ unless the Legislature
7 continues the oversight council for a specified period of time. The oversight council may:

- 8 (1) Review the recommendations of the juvenile justice reinvestment initiative work
9 group in the final report dated November 2014, track implementation, and evaluate
10 compliance with this chapter;
- 11 (2) Review performance measures and outcome measures required by this chapter
12 and proposed by the Department of Corrections, Unified Judicial System, and
13 Department of Social Services;
- 14 (3) Review performance measures and outcome measures submitted semiannually by
15 the Department of Corrections, Unified Judicial System, and Department of Social
16 Services pursuant to §§ 26-8D-4, 26-8D-12, 26-8D-15, 26-8D-16, 26-8D-19, and
17 26-8D-20;
- 18 (4) Review efforts by the Department of Social Services to ensure delivery of treatment
19 in rural areas and related performance measures;
- 20 (5) Track progress and make recommendations to improve outcomes for Native
21 American children in the juvenile justice system in accordance with §§ 26-8D-5
22 and 26-8D-6;
- 23 (6) Review the payments of the diversion incentive program to counties, pursuant to
24 § 26-8D-2, payments from the juvenile justice detention cost-sharing fund
25 pursuant to § 26-8D-24, and performance-based reimbursement payments to
26 group care and residential treatment centers pursuant to §§ 26-8D-17 and 26-8D-
27 18; and
- 28 (7) Prepare and submit an annual summary report of the performance and outcome
29 measures that are part of this chapter to the Legislature, Governor, and Chief

1 Justice. The report shall include any recommendations for improvement related to
2 chapter 152 of the 2015 Session Laws.

3 **Section 2. That § 26-8D-8 be AMENDED:**

4 **26-8D-8.** The oversight council shall consist of the following twenty members:

5 (1) The Governor shall appoint the following seven members:

6 (a) A representative from the Department of Corrections;

7 (b) A representative from the Department of Social Services;

8 (c) A representative who is a state's attorney;

9 (d) A representative from a youth care provider;

10 (e) A representative from the Department of Tribal Relations;

11 (f) ~~Two at large members~~ A representative from an urban South Dakota school
12 district located in a municipality with a population greater than twenty
13 thousand;

14 (g) A representative from a rural South Dakota school district located in a
15 municipality with a population less than twenty thousand;

16 (2) The Chief Justice shall appoint the following six members:

17 (a) A representative who is a criminal defense attorney;

18 (b) A representative who is a judge; and

19 (c) Four at large members;

20 (3) The majority leader of the Senate shall appoint the following three members:

21 (a) Two legislative members of the Senate, one from each political party; and

22 (b) One at large member;

23 (4) The majority leader of the House of Representatives shall appoint the following
24 three members:

25 (a) Two legislative members of the House of Representatives, one from each
26 political party; and

27 (b) One member who is a county commissioner; and

28 (5) The attorney general shall appoint one member.

29 The oversight council shall select a chair and a vice chair.