



2023 South Dakota Legislature

Senate Bill 5

Introduced by: **Senators** Wheeler, Reed, Schoenfish, and Tobin and **Representatives** Deutsch, Healy, and Rehfeldt at the request of the Study Committee on Juvenile Justice

1 **An Act to extend the termination date of the Juvenile Justice Oversight Council and**
 2 **modify its membership requirements.**

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

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

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

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

- 1 group care and residential treatment centers pursuant to §§ 26-8D-17 and 26-8D-
 2 18; and
- 3 (7) Prepare and submit an annual summary report of the performance and outcome
 4 measures that are part of this chapter to the Legislature, Governor, and Chief
 5 Justice. The report shall include any recommendations for improvement related to
 6 chapter 152 of the 2015 Session Laws.

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

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

- 10 (1) The Governor shall appoint the following seven members:
- 11 (a) A representative from the Department of Corrections;
- 12 (b) A representative from the Department of Social Services;
- 13 (c) A representative who is a state's attorney;
- 14 (d) A representative from a youth care provider;
- 15 (e) A representative from the Department of Tribal Relations;
- 16 (f) ~~Two at large members~~ A representative from an urban South Dakota school
 17 district located in a municipality with a population greater than twenty
 18 thousand;
- 19 (g) A representative from a rural South Dakota school district located in a
 20 municipality with a population less than twenty thousand;
- 21 (2) The Chief Justice shall appoint the following six members:
- 22 (a) A representative who is a criminal defense attorney;
- 23 (b) A representative who is a judge; and
- 24 (c) Four at large members;
- 25 (3) The majority leader of the Senate shall appoint the following three members:
- 26 (a) Two legislative members of the Senate, one from each political party; and
- 27 (b) One at large member;
- 28 (4) The majority leader of the House of Representatives shall appoint the following
 29 three members:
- 30 (a) Two legislative members of the House of Representatives, one from each
 31 political party; and
- 32 (b) One member who is a county commissioner; and
- 33 (5) The attorney general shall appoint one member.
- 34 The oversight council shall select a chair and a vice chair.