



## 2023 South Dakota Legislature

# Senate Bill 5

SENATE JUDICIARY ENGROSSED

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 shall  
 9 meet semi-annually or at the call of its chair or at the request of a majority of its members.

10 The oversight council may:

- 11 (1) ~~Review the recommendations of the juvenile justice reinvestment initiative work~~  
 12 ~~group in the final report dated November 2014, track implementation, and evaluate~~  
 13 ~~compliance with this chapter juvenile justice system for changes that improve~~  
 14 ~~public safety, reduce recidivism, hold youth accountable, provide better outcomes~~  
 15 ~~for children and families, and control juvenile justice costs;~~
- 16 (2) Review performance measures and outcome measures required by this chapter  
 17 and proposed by the Department of Corrections, Unified Judicial System, and  
 18 Department of Social Services, and recommend any additional measures needed  
 19 to identify outcomes in the juvenile justice system;
- 20 (3) Review performance measures and outcome measures submitted semiannually by  
 21 the Department of Corrections, Unified Judicial System, and Department of Social  
 22 Services pursuant to §§ 26-8D-4, 26-8D-12, 26-8D-15, 26-8D-16, 26-8D-19, and  
 23 26-8D-20;
- 24 (4) Review efforts by the Department of Social Services to ensure delivery of treatment  
 25 in rural areas and related performance measures, and statewide availability of

- 1 evidence-based programs and practices involving cognitive behavioral health and  
 2 family therapy programs for justice-involved youth;  
 3 (5) Assess implementation and infrastructure to support the sustainability and fidelity  
 4 of evidence-based juvenile justice programs, including resources for staffing;  
 5 ~~(5)(6)~~ Track progress and make recommendations to improve outcomes for Native  
 6 American children in the juvenile justice system ~~in accordance with §§ 26-8D-5~~  
 7 ~~and 26-8D-6;~~  
 8 ~~(6)(7)~~ Review the payments of the diversion incentive program to counties, pursuant to  
 9 § 26-8D-2, ~~payments from the juvenile justice detention cost sharing fund~~  
 10 ~~pursuant to § 26-8D-24,~~ and performance-based reimbursement payments to  
 11 group care and residential treatment centers pursuant to §§ 26-8D-17 and 26-8D-  
 12 18; ~~and~~  
 13 (8) Review training related to juvenile justice for educators, law enforcement,  
 14 probation, attorneys, corrections, program providers, and judges;  
 15 (9) Review proven truancy and diversion models and best practices and make  
 16 recommendations for statewide implementation; and  
 17 ~~(7)(10)~~ Prepare and submit an annual summary report of the performance and outcome  
 18 measures that are part of this chapter and any recommendations for improvements  
 19 related to juvenile justice to the Legislature, Governor, and Chief Justice. ~~The~~  
 20 ~~report shall include any recommendations for improvement related to chapter 152~~  
 21 ~~of the 2015 Session Laws.~~

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

- 23 **26-8D-8.** The Juvenile Justice Oversight Council is created for the purpose of  
 24 providing an independent review of the state juvenile justice system and providing  
 25 recommendations to the Legislature, Governor, and Chief Justice. The oversight council  
 26 ~~shall consist~~ consists of the following ~~twenty~~ nineteen members:  
 27 (1) The Governor shall appoint the following ~~seven~~ six members:  
 28 (a) A representative from the Department of Corrections;  
 29 (b) A representative from the Department of Social Services;  
 30 ~~(c) A representative who is a state's attorney;~~  
 31 ~~(d)(c)~~ (c) A representative from a youth care provider;  
 32 ~~(e)(d)~~ (d) A representative from the Department of Tribal Relations;  
 33 (e) A member of law enforcement; and  
 34 (f) One at-large member;

- 1           ~~(f) — Two at-large members;~~
- 2       (2)   The Chief Justice shall appoint the following six members:
- 3           (a)   ~~A representative who is a criminal-juvenile justice defense attorney;~~
- 4           (b)   ~~A representative who is a judge; and~~Two circuit court judges;
- 5           (c)   ~~Four at-large members~~A juvenile court services officer;
- 6           (d)   A representative from the State Court Administrator's Office; and
- 7           (e)   One at-large member;
- 8       (3)   The ~~majority leader~~president pro-tempore of the Senate shall appoint the following
- 9           three-two members:
- 10          (a)   ~~Two legislative members of the Senate, one from each political party~~A
- 11               member of the Senate Judiciary Committee; and
- 12          (b)   ~~One at-large member~~A member of the Senate that is from a different
- 13               political party than the other member appointed;
- 14       (4)   The ~~majority leader~~speaker of the House of Representatives shall appoint the
- 15           following three-two members:
- 16          (a)   ~~Two legislative members of the House of Representatives, one from each~~
- 17               ~~political party~~A member of the House Judiciary Committee; and
- 18          (b)   ~~One member who is a county commissioner~~A member of the House of
- 19               Representatives that is from a different political party than the other
- 20               appointed member;—and
- 21       (5)   The South Dakota Superintendent's Association shall appoint one representative
- 22               from a large school district and one representative from a small school district; and
- 23       ~~(5)~~(6) The attorney general shall appoint one ~~member~~ state's attorney.
- 24           The oversight council shall select a chair and a vice chair every two years.
- 25           Appointed members shall serve two-year terms and may be reappointed.