



2023 South Dakota Legislature

Senate Bill 155

SENATE LOCAL GOVERNMENT ENGROSSED

Introduced by: **Senator Breitling**

1 **An Act to create the jail improvement and construction fund for the improvement**
 2 **and construction of jails, to make an appropriation therefor, and to declare**
 3 **an emergency.**

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

5 **Section 1.** The state treasurer shall transfer from the general fund to the jail improvement
 6 and construction fund, created in section 3 of this Act, the sum of \$40,000,000. The South
 7 Dakota jail improvement board, created in section 4 of this Act shall allocate and designate
 8 the monies provided by this section for the purpose of providing loans for the improvement
 9 and construction of jails as defined in § 24-11-1 and juvenile detention facilities.

10 **Section 2.** There is appropriated from the general fund the sum of \$10,000,000 to the jail
 11 improvement and construction fund, created in section 3 of this Act. The South Dakota jail
 12 improvement board, created in section 4 of this Act shall allocate and designate the monies
 13 provided by this section for the purpose of providing grants for the improvement and
 14 construction of jails as defined in § 24-11-1 and juvenile detention facilities.

15 **Section 3. That chapter 24-11 be amended with a NEW SECTION:**

16 There is hereby created the jail improvement and construction fund, to be
 17 administered by the South Dakota Jail Improvement Board, created in section 4 of this
 18 Act, for the purpose of making loans and grants for the improvement and construction of
 19 jails, as defined in § 24-11-1, and juvenile detention facilities. Any repayment of loans
 20 made, and any interest thereon, must be receipted into the fund and must be used for
 21 making new loans. Money in the fund designated for loans is hereby continuously
 22 appropriated for the purposes provided in sections 5 and 6 of this Act, inclusive. The
 23 secretary of the Department of Public Safety shall approve vouchers and the state auditor
 24 shall draw warrants to pay expenditures authorized by the board from this fund.

1 **Section 4. That chapter 24-11 be amended with a NEW SECTION:**

2 There is created the South Dakota Jail Improvement Board. The board shall
3 determine the application, terms, and other criteria regarding loans and grants from
4 designated monies in the jail improvement and construction fund. The board shall consist
5 of seven members:

6 (1) One unified judicial system representative appointed by the chief justice;

7 (2) One representative from the financial career fields appointed by the South Dakota
8 Association of County Commissioners;

9 (3) One county auditor appointed by the South Dakota Association of County
10 Commissioners;

11 (4) Two county commissioners appointed by the South Dakota Association of County
12 Commissioners;

13 (5) One active or retired county sheriff appointed by the Sheriff's Association; and

14 (6) One state's attorney appointed by the State's Attorney Association.

15 Any vacancy on the board must be addressed by the respective appointing
16 authority. If the board is considering an application from a county in which a board
17 member resides, that board member may not vote on the application.

18 **Section 5. That chapter 24-11 be amended with a NEW SECTION:**

19 The Department of Public Safety may utilize up to one-half of one percent of the
20 principal loan or grant amount of each loan or grant provided in sections 6 and 7 of this
21 Act for the administrative expenses of making loans or grants from the jail improvement
22 and construction fund, created in section 3 of this Act.

23 **Section 6. That chapter 24-11 be amended with a NEW SECTION:**

24 The South Dakota Jail Improvement Board may make loans to regional jail
25 authorities, counties, or municipalities from designated monies in the jail improvement
26 and construction fund, created in section 3 of this Act, for the construction or improvement
27 of jails as defined in § 24-11-1 and juvenile detention facilities, provided the loan does
28 not exceed one-third of the total project cost. To be eligible for a loan under this section,
29 the jail or juvenile detention facility project must, at a minimum, propose to serve three
30 counties, all of which must participate in the project by authority, compact, or contract.

31 **Section 7. That chapter 24-11 be amended with a NEW SECTION:**

1 The South Dakota Jail Improvement Board may award grants to regional jail
2 authorities, counties, or municipalities from designated monies in the jail improvement
3 and construction fund, created in section 3 of this Act, for the construction or improvement
4 of jails as defined in § 24-11-1 and juvenile detention facilities, provided the grant does
5 not exceed one-sixth of the total project cost. To be eligible for a grant under this section,
6 the jail or juvenile detention facility project must, at a minimum, propose to serve a
7 combination of three counties, all of which must participate in the project by authority,
8 compact, or contract.

9 **Section 8. That chapter 24-11 be amended with a NEW SECTION:**

10 The South Dakota Jail Improvement Board shall report to the special committee,
11 created by § 4-8A-2, annually, no later than August first, detailing the number, amounts,
12 and recipients of loans and grants provided by the jail improvement and construction fund
13 created in section 3 of this Act and other relevant information pertaining to the fund or
14 program as requested by the committee.

15 **Section 9.** Whereas, this Act is necessary for the support of the state government and its
16 existing public institutions, an emergency is hereby declared to exist, and this Act shall be in
17 full force and effect from and after its passage and approval.