



## 2025 South Dakota Legislature

### Senate Bill 59

### ENROLLED

AN ACT

**ENTITLED An Act to revise provisions relating to the delivery, possession with intent to deliver, and possession of unauthorized articles in a state correctional facility, and to provide a penalty therefor.**

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

**Section 1. That § 24-2-14 be AMENDED:**

**24-2-14.** Possession of the following articles by an inmate of a state correctional facility, unless directly issued by the Department of Corrections and used in accordance with the department's policies and procedures, is a felony pursuant to the following schedule:

- (1) Possession of any alcoholic beverage or marijuana is a Class 6 felony;
- (2) Possession of a cell phone or any other electronic communication device prohibited by Department of Corrections policy is a Class 4 felony;
- (3) Possession of any prescription or nonprescription drug or controlled substance, as defined by chapter 34-20B, except by written order for a definite period from a physician, physician assistant, or certified nurse practitioner, as defined in chapters 36-4, 36-4A, and 36-9A, is a Class 4 felony;
- (4) Possession of a dangerous weapon as defined by § 22-1-2 is a Class 2 felony; and
- (5) Possession of any article, not proscribed by this section, that is not provided by or authorized by the facility in any form, is a Class 6 felony.

**Section 2. That § 24-2-22 be AMENDED:**

**24-2-22.** Any employee or other person who delivers or procures to be delivered, or possesses with the intent to deliver, to any inmate in a state correctional facility, or who deposits or conceals in or around any facility or place used to house inmates, or in any mode of transport entering the grounds of any facility or place and its ancillary

facilities used to house inmates, any of the following articles, with the intent that any inmate obtain or receive the article, is guilty of a felony pursuant to the following schedule:

- (1) Any alcoholic beverage or marijuana is a Class 6 felony;
- (2) A cell phone or any other electronic communication device prohibited by Department of Corrections policy is a Class 4 felony;
- (3) Any prescription or nonprescription drug or controlled substance, as defined by chapter 34-20B, except as authorized by the Department of Corrections, is a Class 4 felony;
- (4) A dangerous weapon, as defined by § 22-1-2, is a Class 2 felony; and
- (5) Any article, not proscribed by this section, that is not provided by or authorized by the facility in any form, is a Class 6 felony.

An Act to revise provisions relating to the delivery, possession with intent to deliver, and possession of unauthorized articles in a state correctional facility, and to provide a penalty therefor.

I certify that the attached Act originated in  
the:

Senate as Bill No. 59

Received at this Executive Office  
this \_\_\_\_\_ day of \_\_\_\_\_,

2025 at \_\_\_\_\_ M.

By \_\_\_\_\_  
Secretary of the Senate for the Governor

President of the Senate

The attached Act is hereby  
approved this \_\_\_\_\_ day of  
\_\_\_\_\_, A.D., 2025

Attest:

Secretary of the Senate

Governor

**STATE OF SOUTH DAKOTA,**

ss.

Office of the Secretary of State

Speaker of the House

Filed \_\_\_\_\_, 2025

Attest:

at \_\_\_\_\_ o'clock \_\_\_ M.

Chief Clerk

Secretary of State

Senate Bill No. 59  
File No. \_\_\_\_\_  
Chapter No. \_\_\_\_\_

By \_\_\_\_\_  
Asst. Secretary of State