



2025 South Dakota Legislature

House Bill 1135

SENATE ENGROSSED

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.

Introduced by: **Representative** Odenbach

1 **An Act to provide opportunities for treatment courts for South Dakotans, create a**
2 **workgroup to study rehabilitation programs, and declare an emergency.**

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

4 **Section 1. That § 16-22-3 be AMENDED:**

5 **16-22-3.** For the purposes of this chapter, a ~~drug~~ treatment court is a court
6 supervised alternative to incarceration and includes drug, driving under influence, veteran,
7 mental health, and other specialty court dockets aimed at increasing offender
8 accountability and decreasing recidivism.

9 **Section 2. That § 16-22-4 be AMENDED:**

10 **16-22-4.** The Supreme Court may establish a ~~drug~~ treatment court program in
11 any court that has jurisdiction over criminal cases.

12 **Section 3. That a NEW SECTION be added to chapter 16-22:**

13 In any county where a treatment court program is established, the state's attorney
14 or deputy state's attorney has the authority to determine which offenders, who are
15 otherwise eligible by rules or policies of the treatment court program, may be offered the
16 opportunity to participate in the treatment court program. The state's attorney or deputy
17 state's attorney shall conduct a legal screening of potential offenders eligible for treatment
18 court.

19 **Section 4. That a NEW SECTION be added to chapter 16-22:**

20 In any county where a treatment court program is established, the state's attorney
21 or deputy state's attorney, a public defender or defense counsel, law enforcement,
22 treatment providers, and the assigned court services officer shall attend and actively

1 participate in the treatment court. This includes regularly attending staffing and court
2 sessions, completing training on the treatment court model and best practices, reviewing
3 and screening potential program participants, and recommending appropriate sanctions
4 and incentives for program participants.

5 **Section 5.** The Unified Judicial System shall assemble a task force to examine the delivery
6 and effectiveness of rehabilitation programs, including pretrial services, probation, and
7 treatment courts in the South Dakota court system.

8 **Section 6.** The task force consists of the following:

- 9 (1) Five members appointed by the Chief Justice of the Supreme Court;
10 (2) Three members appointed by the Governor;
11 (3) Two legislators, one appointed by the speaker of the House of Representatives and
12 one appointed by the president pro tempore of the Senate;
13 (4) One state's attorney;
14 (5) One sheriff; and
15 (6) One employee of the attorney general's office, appointed by the attorney general.

16 **Section 7.** The task force shall:

- 17 (1) Identify how pretrial, probation, and treatment court services are delivered in this
18 state to those involved in the criminal justice system;
19 (2) Recommend ways to improve the delivery of pretrial, probation, and treatment
20 court services;
21 (3) Recommend statutory changes to ensure the effective delivery of pretrial,
22 probation, and treatment court services in the criminal justice system; and
23 (4) Identify potential resource needs and priorities to ensure the effective delivery of
24 pretrial, probation, and treatment court services in the criminal justice system.

25 **Section 8.** The Unified Judicial System shall present the findings of the task force to the
26 Governor and to the Legislature no later than December 1, 2025.

27 **Section 9.** All expenses incurred in carrying out the work of the task force must be paid out
28 of moneys appropriated or otherwise provided to the Unified Judicial System.

- 1 **Section 10.** Whereas, this Act is necessary for the support of the state government and its
- 2 existing public institutions, an emergency is hereby declared to exist, and this Act shall be in
- 3 full force and effect from and after its passage and approval.