



## 2026 South Dakota Legislature

# Senate Bill 179

Introduced by: **Senator Hohn**

1 **An Act to permit a court to commit a juvenile adjudicated delinquent for certain**  
 2 **weapons offenses to the Department of Corrections.**

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

4 **Section 1. That § 26-8C-7 be AMENDED:**

5 **26-8C-7.** If a child has been adjudicated ~~as a delinquent child~~, the court ~~shall~~ must  
 6 enter a decree of disposition according to the least restrictive alternative available in  
 7 keeping with the best ~~interests~~ interest of the child. The decree ~~shall~~ must contain one or  
 8 more of the following:

- 9 (1) The court may require the child to pay restitution, as defined in ~~subdivision 23A-~~  
 10 ~~28-2(4)~~ § 23A-28-2, and under conditions set by the court, if payment can be  
 11 enforced without serious hardship or injustice to the child;
- 12 (2) The court may impose a fine not to exceed one thousand dollars;
- 13 (3) The court may place the child on probation under the supervision of a court services  
 14 officer or another designated individual pursuant to § 26-8C-14;
- 15 (4) The court may require ~~a~~ the child, as a condition of probation, to participate in a  
 16 supervised community service program, if the child is not deprived of the schooling  
 17 that is appropriate for the child's age, needs, and specific rehabilitative goals. The  
 18 supervised community service program ~~shall~~ must be of a constructive nature  
 19 designed to promote rehabilitation, appropriate to the age level and physical ability  
 20 of the child, and ~~shall~~ must be combined with counseling by the court services  
 21 officer or other guidance personnel. The supervised community service program  
 22 assignment ~~shall~~ must be made for a period of time consistent with the child's best  
 23 interests, but for not more than ninety days;
- 24 (5) The court may place the child at the Human Services Center for examination and  
 25 treatment;

- 1 (6) The court may place the child in a detention facility for not more than ninety days,  
 2 which may be in addition to any period of temporary custody;
- 3 (7) The court may place the child in an alternative educational program;
- 4 (8) The court may order the suspension or revocation of the child's right to apply for  
 5 a driving privilege, suspend or revoke an existing driving privilege, or restrict the  
 6 privilege in the manner the court sees fit, including requiring that financial  
 7 responsibility be proved and maintained;
- 8 (9) The court may assess or charge costs and fees permitted by §§ 16-2-41, 23-3-52,  
 9 23A-27-26, 23A-28B-42, and 23A-27-27 against the child, parent, guardian,  
 10 custodian, or other party responsible for the child; or
- 11 (10) The court may ~~only~~ commit a child to the Department of Corrections, but only if  
 12 the judge finds that:
- 13 ~~(a) No~~ no viable alternative exists; ~~and~~
- 14 ~~(b) The,~~ the Department of Corrections is the least restrictive alternative, ~~and~~ and one of  
 15 the following:
- 16 ~~(i)(a)~~ (a) The child is currently adjudicated delinquent for ~~an~~ a:
- 17 (i) An offense eligible for transfer proceedings pursuant to § 26-11-  
 18 3.1; ~~the child is currently adjudicated delinquent for a~~
- 19 (ii) A crime of violence pursuant to subdivision 22-1-2(9), ~~sex offense;~~
- 20 (iii) A sex crime pursuant to § 22-24B-1, ~~felony;~~
- 21 (iv) A felony sexual registry offense pursuant to chapter 22-24B, ~~or~~  
 22 burglary;
- 23 (v) Burglary in the second degree pursuant to § 22-32-3; ~~or the~~
- 24 (vi) A weapons offense pursuant to § 22-14-5, 22-14-7, 22-14-20, or  
 25 23-7-44, or subdivision 22-30A-17(2);
- 26 (b) The court finds from evidence presented at the dispositional hearing or from  
 27 the pre-dispositional report that the ~~youth~~ child presents a significant risk  
 28 of physical harm to another person;
- 29 ~~(ii)(c)~~ (c) The child has been previously adjudicated delinquent for separate  
 30 delinquent acts, arising out of separate and distinct criminal episodes, three  
 31 or more times within the preceding twelve-month period; or
- 32 ~~(iii)(d)~~ (d) The court finds from evidence presented at the dispositional hearing or from  
 33 the pre-dispositional report that the child is at high risk for re-offense based  
 34 on a validated risk assessment, and the child has either had a previous

1                   unsuccessful discharge from probation for a felony offense or is on  
2                   supervised probation for a felony offense; and  
3                   ~~(A)~~(i) The child has been adjudicated for intentional damage to property  
4                   and the property damage exceeds five thousand dollars; or  
5                   ~~(B)~~(ii) The child has been adjudicated for a drug distribution offense that is  
6                   punishable at least as a Class 4 felony.  
7                   ~~Any~~The court shall make any finding made pursuant to this section ~~shall be made~~  
8                   in the written decree.