2026 South Dakota Legislature

Senate Bill 179

ENROLLED

AN ACT

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

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

Section 1. That § 26-8C-7 be AMENDED:

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

(1) The court may require the child to pay restitution, as defined in § 23A-28-2, and under conditions set by the court, if payment can be enforced without serious hardship or injustice to the child;

(2) The court may impose a fine not to exceed one thousand dollars;

(3) The court may place the child on probation under the supervision of a court services officer or another designated individual pursuant to § 26-8C-14;

(4) The court may require the child, as a condition of probation, to participate in a supervised community service program, if the child is not deprived of the schooling that is appropriate for the child's age, needs, and specific rehabilitative goals. The supervised community service program must be of a constructive nature designed to promote rehabilitation, appropriate to the age level and physical ability of the child, and must be combined with counseling by the court services officer or other guidance personnel. The supervised community service program assignment must be made for a period of time consistent with the child's best interests, but for not more than ninety days;

(5) The court may place the child at the Human Services Center for examination and treatment;

(6) The court may place the child in a detention facility for not more than ninety days, which may be in addition to any period of temporary custody;

(7) The court may place the child in an alternative educational program;

(8) The court may order the suspension or revocation of the child's right to apply for a driving privilege, suspend or revoke an existing driving privilege, or restrict the privilege in the manner the court sees fit, including requiring that financial responsibility be proved and maintained;

(9) The court may assess or charge costs and fees permitted by §§ 16-2-41, 23-3-52, 23A-27-26, 23A-28B-42, and 23A-27-27 against the child, parent, guardian, custodian, or other party responsible for the child; or

(10) The court may commit a child to the Department of Corrections, but only if the judge finds that no viable alternative exists, the Department of Corrections is the least restrictive alternative, and one of the following:

(a) The child is currently adjudicated delinquent for:

(i) An offense eligible for transfer proceedings pursuant to § 26-11-3.1;

(ii) A crime of violence pursuant to subdivision 22-1-2(9);

(iii) A sex crime pursuant to § 22-24B-1;

(iv) A felony sexual registry offense pursuant to chapter 22-24B;

(v) Burglary in the second degree pursuant to § 22-32-3; or

(vi) A weapons offense pursuant to § 22-14-5, 22-14-7, 22-14-20, or 23-7-44, or subdivision 22-30A-17(2);

(b) The court finds from evidence presented at the dispositional hearing or from the pre-dispositional report that the child presents a significant risk of physical harm to another person;

(c) The child has been previously adjudicated delinquent for separate delinquent acts, arising out of separate and distinct criminal episodes, three or more times within the preceding twelve-month period; or

(d) The court finds from evidence presented at the dispositional hearing or from the pre-dispositional report that the child is at high risk for re-offense based on a validated risk assessment, and the child has either had a previous unsuccessful discharge from probation for a felony offense or is on supervised probation for a felony offense; and

(i) The child has been adjudicated for intentional damage to property and the property damage exceeds five thousand dollars; or

(ii) The child has been adjudicated for a drug distribution offense that is punishable at least as a Class 4 felony.

The court shall make any finding pursuant to this section in the written decree.

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

I certify that the attached Act originated in the:

Senate as Bill No. 179

_____
Secretary of the Senate

_____
President of the Senate

Attest:

_____
Secretary of the Senate

_____
Speaker of the House

Attest:

_____
Chief Clerk of the House

Senate Bill No. 179
File No. _____
Chapter No. _____

Received at this Executive Office
this _____ day of _____,

2026 at _____M.

By _____
for the Governor

The attached Act is hereby
approved this _____ day of
_____, A.D., 2026

_____
Governor

STATE OF SOUTH DAKOTA,
ss.
Office of the Secretary of State

Filed _____, 2026
at _____ o'clock __M.

_____
Secretary of State

By _____
Asst. Secretary of State