

State of South Dakota

NINETY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2017

817Y0388

SENATE BILL NO. 83

Introduced by: Senators Solano, Ewing, Nesiba, Partridge, Rusch, Soholt, Stalzer, Tidemann,
and Wiik and Representatives Johns, Haugaard, McPherson, Stevens, and
Tieszen

1 FOR AN ACT ENTITLED, An Act to revise certain provisions relating to the criteria for
2 informal adjustment for any apparent child in need of supervision.

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

4 Section 1. That § 26-7A-11.1 be amended to read:

5 26-7A-11.1. Any apparent child in need of supervision or any apparent delinquent child shall
6 be referred for informal adjustment or informal action pursuant to subdivision 26-7A-10(4) if
7 the following criteria are met:

8 (1) The child has no prior adjudications;

9 (2) The child has had no informal adjustment or informal action within the last twelve
10 months;

11 (3) The child is an apparent child in need of supervision pursuant to § 26-8B-2 or an
12 apparent delinquent pursuant to § 26-8C-2 and the alleged conduct constitutes a
13 misdemeanor;

14 (4) The child's alleged conduct did not include use of violence or force against another;



1 and

2 (5) All of the requirements in § 26-7A-11 are met.

3 If the state's attorney has good cause to believe that informal adjustment or informal action
4 is insufficient to meet the purposes of this chapter and chapters 26-8B and 26-8C, the state's
5 attorney may file a delinquency or child in need of supervision petition pursuant to subdivision
6 26-7A-10(5). The petition shall include notice of the departure from informal adjustment or
7 informal action and notice to the child of the child's right to move for informal adjustment or
8 informal action. Upon motion of the child and upon a finding that no good cause exists, the
9 court may refer the child to informal adjustment or informal action pursuant to subdivision 26-
10 7A-10(4).