

# State of South Dakota

NINETY-SECOND SESSION  
LEGISLATIVE ASSEMBLY, 2017

583Y0591

## SENATE BILL NO. 164

Introduced by: Senators Novstrup, Greenfield (Brock), Jensen (Phil), Rusch, and Stalzer and  
Representatives Kaiser, Dennert, Haggar, Heinemann, and Rounds

1 FOR AN ACT ENTITLED, An Act to revise the length of the maximum probationary period  
2 for juvenile probationers and to allow for an extension of the probationary period for failing  
3 to make a good faith effort to pay restitution.

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

5 Section 1. That § 26-8B-8 be amended to read:

6 26-8B-8. The terms and conditions of probation of a child in need of supervision shall be  
7 specified by rules or orders of the court and by a court services officer.

8 The duration of juvenile probation shall be specified by order of the court but may not  
9 exceed ~~four~~ six months unless:

10 (1) The child is placed in the intensive juvenile probation program; or

11 (2) The child's probation is extended as provided under this section.

12 If the child is placed on intensive juvenile probation, the duration of probation ordered by  
13 the court may be up to ~~eight~~ twelve months.

14 If the child is placed on juvenile probation, a court services officer may request two  
15 extensions up to ~~four~~ six months each or one extension up to ~~four~~ six months for intensive



1 juvenile probation. The court may authorize the same in accordance with Unified Judicial  
2 System procedure if the extension is necessary for the child to complete evidence-based  
3 treatment as required by the case plan. If evidence-based treatment is not available, an extension  
4 may be granted if the youth is engaged in alternative court-approved treatment that will not be  
5 completed before the previously ordered term of probation expires.

6 The total duration of probation, including juvenile intensive probation and extensions in all  
7 cases, may not exceed ~~twelve~~ eighteen months unless the court provides written authorization  
8 to allow a child to complete evidence-based treatment that will not be completed before  
9 probation expires. Probation may not be extended solely to collect restitution unless the child  
10 has failed to make a good faith effort to make restitution payments. If probation is terminated  
11 with restitution owing, Unified Judicial System procedure may govern the collection.

12 Each child placed on probation shall be given a written statement of the terms and  
13 conditions of probation and the probation policy. The terms and conditions, as well as the  
14 probation extension policy, shall be explained to the child.

15 The court shall review the terms and conditions of probation and the progress of each child  
16 placed on probation at least once every ~~four~~ six months. The court may release a child from  
17 probation or modify the terms and conditions of the child's probation at any time, but any child  
18 who has complied satisfactorily with the terms, conditions, and duration of probation shall be  
19 released from probation and the jurisdiction of the court terminated. If the duration of probation  
20 previously prescribed has expired, the court shall release the child from probation and terminate  
21 jurisdiction.

22 Section 2. That § 26-8C-14 be amended to read:

23 26-8C-14. The terms and conditions of probation of a delinquent child shall be specified by  
24 rules or orders of the court and by court services officers.

1 The duration of juvenile probation shall be specified by order of the court but may not  
2 exceed ~~four~~ six months unless:

- 3 (1) The child is placed in the intensive juvenile probation program; or  
4 (2) The child's probation is extended as provided under this section.

5 If the child is placed on intensive juvenile probation, the duration of probation upon order  
6 by the court may be up to ~~eight~~ twelve months.

7 If the child is placed on juvenile probation, a court services officer may request two  
8 extensions up to ~~four~~ six months each or one extension up to ~~four~~ six months for intensive  
9 juvenile probation. The court may authorize the same in accordance with Unified Judicial  
10 System procedure if the extension is necessary for the child to engage in evidence-based  
11 treatment as required by the case plan. If evidence-based treatment is not available, an extension  
12 may be granted if the youth is engaged in alternative court-approved treatment that will not be  
13 completed before the previously ordered term of probation expires.

14 The total duration of probation, including juvenile intensive probation and any extension  
15 may not exceed ~~twelve~~ eighteen months unless the court provides written authorization to allow  
16 a child to complete evidence-based treatment that will not be completed before probation  
17 expires. Probation may not be extended solely to collect restitution unless the child has failed  
18 to make a good faith effort to make restitution payments. If probation is terminated with  
19 restitution owing, the Unified Judicial System procedure may govern the collection.

20 Each child placed on probation shall be given a written statement of the terms and  
21 conditions of probation, and the probation extension policy. The terms and conditions, as well  
22 as the probation extension policy, shall be explained to the child.

23 The court shall review the terms and conditions of probation and the progress of each child  
24 placed on probation at least once every ~~four~~ six months. The court may release a child from

1 probation or modify the terms and conditions of the child's probation at any time, but any child  
2 who has complied satisfactorily with the terms, conditions, and duration of probation shall be  
3 released from probation and the jurisdiction of the court terminated. If the duration of probation  
4 previously prescribed has expired, the court shall release the child from probation and terminate  
5 jurisdiction.