

State of South Dakota

NINETY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2017

363Y0685

SENATE BILL NO. 179

Introduced by: Senator Novstrup and Representative Kaiser

1 FOR AN ACT ENTITLED, An Act to revise the length of the maximum probationary period
2 for juvenile probationers.

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

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

5 26-8B-8. The terms and conditions of probation of a child in need of supervision shall be
6 specified by rules or orders of the court and by a court services officer.

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

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

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

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

13 If the child is placed on juvenile probation, a court services officer may request two
14 extensions up to ~~four~~ six months each or one extension up to ~~four~~ six months for intensive
15 juvenile probation. The court may authorize the same in accordance with Unified Judicial



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

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

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

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

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

21 26-8C-14. The terms and conditions of probation of a delinquent child shall be specified by
22 rules or orders of the court and by court services officers.

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

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

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

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

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

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

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

- 1 previously prescribed has expired, the court shall release the child from probation and terminate
- 2 jurisdiction.