

# State of South Dakota

NINETY-THIRD SESSION  
LEGISLATIVE ASSEMBLY, 2018

400Z0547

## HOUSE BILL NO. 1278

Introduced by: Representatives Diedrich, Barthel, Glanzer, Johns, Lust, Mickelson, Rounds,  
and Stevens and Senator Rusch

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the extradition of  
2 fugitives by Indian tribes.

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

4 Section 1. That § 23-24B-2 be repealed.

5 ~~23-24B-2. No extradition shall be available under the provisions of this chapter unless both~~  
6 ~~the State of South Dakota and the Indian tribe involved have mutually and formally entered into~~  
7 ~~an extradition compact whereby either party may exercise the power of extradition.~~

8 Section 2. That § 23-24B-3 be amended to read:

9 23-24B-3. ~~No~~ A demand for extradition of an Indian charged with an offense by an Indian  
10 tribe in this state ~~shall~~ may be recognized by this state ~~unless the provisions of § 23-24B-2 have~~  
11 ~~been met and if~~ a written request for extradition is received by the attorney general. The request  
12 shall state that the accused person was present on the demanding reservation at the time of the  
13 commission of the alleged crime and that thereafter ~~he~~ the person fled from the reservation to  
14 avoid prosecution. The request shall be accompanied by ~~a~~ \_\_\_\_\_:

15 (1) A copy of any arrest warrant issued for the ~~individual, by a person;~~ \_\_\_\_\_



(2) A copy of any judgment of conviction or sentence imposed, if applicable, ~~and by a;~~  
and

(3) A sworn statement from a reservation judicial officer that the person ~~claimed;~~

(a) Claimed has escaped or evaded confinement, or broken the terms of ~~his~~ the  
person's probation, bail, or parole, ~~and that the individual has;~~ and

(b) Has been charged with committing a specific offense under the laws of the  
tribe.

Section 3. That § 23-24B-8 be amended to read:

23-24B-8. The law enforcement officer or person executing the judge's warrant of arrest, or  
the agent of the demanding tribe to whom the prisoner may have been delivered may, if  
necessary, confine the prisoner in the jail of any county or first or second class municipality  
through which ~~he~~ the prisoner may pass, ~~and the keeper of such.~~ The person in charge of the jail  
shall receive and safely keep the prisoner until the law enforcement officer or person having  
charge of ~~him~~ the prisoner is ready to proceed on ~~his~~ the route. The governmental unit which  
employs the law enforcement officer or person having custody of the prisoner shall be charged  
with the expense of keeping the prisoner, unless reimbursement is otherwise provided pursuant  
to an agreement between the tribe and governmental unit.