

State of South Dakota

NINETY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2018

400Z0547

HOUSE JUDICIARY ENGROSSED NO. **HB 1278** 2/7/2018

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 That § 23-24B-2 be repealed.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~~ a person charged with an offense by
10 an Indian tribe in this state ~~shall~~ may be recognized by this state ~~unless the provisions of § 23-~~
11 ~~24B-2 have been met and if~~ a written request for extradition is received by the attorney general.
12 The request shall state that the accused person was present on the demanding reservation at the
13 time of the commission of the alleged crime and that thereafter ~~he~~ the person fled from the
14 reservation to avoid prosecution. The request shall be accompanied by ~~a~~



- 1 (1) A copy of any arrest warrant issued for the ~~individual, by a person;~~
- 2 (2) A copy of any judgment of conviction or sentence imposed, if applicable, ~~and by a;~~
- 3 and
- 4 (3) A sworn statement from a reservation judicial officer that the person ~~claimed;~~
- 5 (a) Claimed has escaped or evaded confinement, or broken the terms of ~~his~~ the
- 6 person's probation, bail, or parole, ~~and that the individual has;~~ and
- 7 (b) Has been charged with committing a specific offense under the laws of the
- 8 tribe.

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

10 23-24B-8. The law enforcement officer or person executing the judge's warrant of arrest, or

11 the agent of the demanding tribe to whom the prisoner may have been delivered may, if

12 necessary, confine the prisoner in the jail of any county or first or second class municipality

13 through which ~~he~~ the prisoner may pass, ~~and the keeper of such.~~ The person in charge of the jail

14 shall receive and safely keep the prisoner until the law enforcement officer or person having

15 charge of ~~him~~ the prisoner is ready to proceed on ~~his~~ the route. The governmental unit which

16 employs the law enforcement officer or person having custody of the prisoner shall be charged

17 with the expense of keeping the prisoner, unless reimbursement is otherwise provided pursuant

18 to an agreement between the tribe and governmental unit.