

State of South Dakota

SEVENTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 1997

445A0438

SENATE JUDICIARY COMMITTEE ENGROSSED

NO. **SB112** - 2/4/97

Introduced by: Senators Hutmacher and Hunhoff and Representative Moore

1 FOR AN ACT ENTITLED, An Act to revise the penalty for theft by an employee of certain
2 facilities and to require the reporting of certain thefts, abuse, neglect, and exploitation.

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

4 Section 1. That § 22-30A-17 be amended to read as follows:

5 22-30A-17. Theft is grand theft, if:

6 (1) The value of the property stolen exceeds five hundred dollars;

7 (2) Repealed by SL 1990, ch 165, § 2.

8 (3) Property of any value is taken from the person of another; or

9 (4) In the case of theft by receiving stolen property, the receiver is a dealer in stolen
10 property, the value of the property stolen exceeds five hundred dollars in value.

11 Theft in all other cases is petty theft. Grand theft is a Class 4 felony. Petty theft is divided
12 into two degrees. Petty theft of one hundred dollars or more, or of property of any value less
13 than five hundred dollars belonging to a resident of a nursing facility, chemical dependency
14 facility, assisted living center, developmental center, human services center, or any residential
15 facility for the mentally ill, mentally retarded, or developmentally disabled, if the theft is

1 committed by an employee of the facility, is in the first degree and is a Class 1 misdemeanor.

2 Petty theft of less than one hundred dollars is in the second degree and is a Class 2 misdemeanor.

3 Section 2. That chapter 22-46 be amended by adding thereto a NEW SECTION to read as
4 follows:

5 If any administrator or supervisor of an institution regulated pursuant to chapter 34-12 has
6 personal knowledge that any employee, agent, or member of the institution's medical or dental
7 staff has abused or neglected, exploited, or stolen property of a value greater than ten dollars
8 from any disabled adult within such institution, the administrator or supervisor shall report such
9 abuse, neglect, exploitation, or theft to the state's attorney of the county in which the institution
10 is located. Failure to make such a report is a Class 2 misdemeanor.

1 **BILL HISTORY**

2 January 23 - First read in Senate and referred to Judiciary. S.J. 140

3 January 31 - Scheduled for hearing.

4 January 31 - Deferred to another day. S.J. 274

5 February 3 - Amended title.

6 February 3 - Passed as amended, AYES 6, NAYS 0. S.J. 295