

# State of South Dakota

SEVENTY-FOURTH SESSION  
LEGISLATIVE ASSEMBLY, 1999

880C0473

## HOUSE ENGROSSED NO. **SB128** - 2/25/99

Introduced by: Senators Vitter, Albers, Ham, and Madden and Representatives Hennies,  
Duniphan, Jaspers, and Lintz

1 FOR AN ACT ENTITLED, An Act to criminalize the possession of certain contraband in  
2 juvenile correctional facilities and the delivery of certain contraband to juvenile correctional  
3 facilities.

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

5 Section 1. No alcoholic beverages, controlled substances as defined by chapter 34-20B,  
6 hallucinogens, marijuana, or weapons as defined in subdivision 22-1-2(10), may be possessed by  
7 any juvenile in or on the grounds of a juvenile correctional facility or jail. No prescription or  
8 nonprescription drugs may be possessed by any juvenile in or on the grounds of a juvenile  
9 correctional facility or jail except by order of a physician. Such order shall be in writing and for  
10 a definite period. A violation of this section is an act of delinquency.

11 Section 2. No employee or other person may deliver or procure to be delivered, or have in  
12 such person's possession with intent to deliver, to any juvenile in or on the grounds of any  
13 juvenile correctional facility or jail, or deposit or conceal in or on the grounds of a juvenile  
14 correctional facility or jail, or in any mode of transport entering the grounds of a juvenile  
15 correctional facility and its ancillary facilities used to house juveniles, any article or thing contrary  
16 to § 24-11-47 with intent that any juvenile obtain or receive the same. A violation of this section

1 is a Class 6 felony.

2 Section 3. That chapter 24-11 be amended by adding thereto a NEW SECTION to read as  
3 follows:

4 A juvenile correctional facility pursuant to this Act is a juvenile detention facility as defined  
5 in subdivision 26-7A-1(16) or a juvenile facility operated by the Department of Corrections  
6 under § 1-15-1.4.

1    **BILL HISTORY**

2    1/25/99 First read in Senate and referred to Judiciary. S.J. 179

3    1/27/99 Scheduled for Committee hearing on this date.

4    1/27/99 Judiciary Do Pass Amended, Passed, AYES 6, NAYS 0. S.J. 209

5    1/29/99 Senate Do Pass Amended, Passed, AYES 33, NAYS 0. S.J. 264

6    2/1/99 First read in House and referred to committee assignment waived. H.J. 300

7    2/2/99 Referred to Judiciary. H.J. 332

8    2/17/99 Scheduled for Committee hearing on this date.

9    2/17/99 Judiciary Deferred to another day.

10   2/19/99 Scheduled for Committee hearing on this date.

11   2/19/99 Judiciary Do Pass Amended, Passed, AYES 13, NAYS 0. H.J. 633

12   2/23/99 House of Representatives Deferred to another day. H.J. 725

13   2/24/99 Motion to Amend, Passed. H.J. 759

14   2/24/99 House of Representatives Do Pass Amended, Passed, AYES 65, NAYS 3. H.J. 760