

State of South Dakota

SEVENTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 1999

880C0473

SENATE BILL NO. 128

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. That § 24-11-47 be amended to read as follows:

6 24-11-47. No alcoholic beverages, controlled substances as defined by chapter 34-20B,
7 hallucinogens, marijuana, or weapons as defined in subdivision 22-1-2(10), may be possessed by
8 any inmate of a jail or juvenile in a juvenile correctional facility. No prescription or
9 nonprescription drugs may be possessed by any inmate of a jail or juvenile in a juvenile
10 correctional facility except by order of a physician. Such order shall be in writing and for a
11 definite period. A violation of this section constitutes a felony pursuant to the following
12 schedule:

- 13 (1) Possession of alcoholic beverages or marijuana is a Class 6 felony;
- 14 (2) Possession of prescription or nonprescription drugs, controlled substances or
15 hallucinogens is a Class 4 felony;
- 16 (3) Possession of a weapon as defined in subdivision 22-1-2(10) is a Class 2 felony.

1 Section 2. That § 24-11-48 be amended to read as follows:

2 24-11-48. No employee or other person may deliver or procure to be delivered, or have in
3 such person's possession with intent to deliver, to any inmate in a jail or juvenile in any juvenile
4 correctional facility, or deposit or conceal in or around any jail or in or around a juvenile
5 correctional facility, or in any mode of transport entering the grounds of any jail or juvenile
6 correctional facility and its ancillary facilities used to house inmates or juveniles, any article or
7 thing contrary to § 24-11-47 with intent that any inmate or juvenile obtain or receive the same.
8 A violation of this section is a Class 6 felony.