

# State of South Dakota

SEVENTY-FOURTH SESSION  
LEGISLATIVE ASSEMBLY, 1999

880C0473

## SENATE JUDICIARY COMMITTEE ENGROSSED NO. **SB128** - 1/28/99

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. 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.

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

11      A juvenile correctional facility pursuant to this Act is a juvenile detention facility as defined  
12      in subdivision 26-7A-1(16) or a juvenile facility operated by the Department of Corrections  
13      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