

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

448D0703

SENATE STATE AFFAIRS COMMITTEE

ENGROSSED NO. **HB1239** - 2/17/00

Introduced by: Representatives Fischer-Clemens, Brown (Jarvis), Chicoine, Davis, Haley, Klaudt, Koehn, Koetzle, Kooistra, Lockner, Lucas, McIntyre, Patterson, Waltman, and Wilson and Senators Hutmacher, Brown (Arnold), Daugaard, Dunn (Rebecca), Duxbury, and Flowers

1 FOR AN ACT ENTITLED, An Act to limit the use of mechanical restraints in juvenile
2 correctional facilities.

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

4 Section 1. That chapter 26-11A be amended by adding thereto a NEW SECTION to read
5 as follows:

6 No agent or employee of the Department of Corrections may use or employ restraints upon
7 a juvenile committed to the Department of Corrections except:

- 8 (1) To prevent imminent bodily harm;
- 9 (2) As a precaution against escape or to prevent an escape;
- 10 (3) To prevent imminent property damages; or
- 11 (4) When reasonable under emergency circumstances.

12 For purposes of this Act, restraints are handcuffs, legcuffs, restraint belts, and tethers made
13 of fabric, metal, plastic, or leather; restraint boards, restraint chairs, swaddle beds, and
14 mechanisms to secure cuffs to a bed, restraint board, or chair.

1 **BILL HISTORY**

2 1/21/00 First read in House and referred to committee assignment waived. H.J. 178

3 1/24/00 Referred to State Affairs. H.J. 206

4 1/31/00 Scheduled for Committee hearing on this date.

5 1/31/00 State Affairs Do Pass, Passed, AYES 10, NAYS 3. H.J. 324

6 2/2/00 House of Representatives Deferred to another day. H.J. 370

7 2/3/00 House of Representatives Deferred to another day. H.J. 401

8 2/4/00 Motion to Amend, Passed, AYES 54, NAYS 11. H.J. 424

9 2/4/00 House of Representatives Do Pass Amended, Passed, AYES 57, NAYS 7. H.J. 425

10 2/7/00 First read in Senate and referred to State Affairs. S.J. 343

11 2/16/00 Scheduled for Committee hearing on this date.

12 2/16/00 State Affairs Do Pass Amended, Passed, AYES 9, NAYS 0. S.J. 520