

# State of South Dakota

SEVENTY-SIXTH SESSION  
LEGISLATIVE ASSEMBLY, 2001

367E0181

## HOUSE BILL NO. 1078

Introduced by: The Committee on Judiciary at the request of the Chief Justice

1 FOR AN ACT ENTITLED, An Act to permit the court to impose certain costs and fees as part  
2 of the disposition for a delinquent child.

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

4 Section 1. That § 26-8C-7 be amended to read as follows:

5 26-8C-7. If a child has been adjudicated as a delinquent child, the court shall enter a decree  
6 of disposition according to the least restrictive alternative available in keeping with the best  
7 interests of the child. The decree shall contain one or more of the following alternatives:

8 (1) The court may make any one or more of the dispositions in § 26-8B-6, except that a  
9 delinquent child may be incarcerated in a detention facility established pursuant to  
10 provisions of chapter 26-7A for not more than ninety days, which may be in addition  
11 to any period of temporary custody;

12 (2) The court may impose a fine not to exceed one thousand dollars;

13 (3) The court may place the child on probation under the supervision of a court services  
14 officer or another designated individual. The child may be required as a condition of  
15 probation to report for assignment to a supervised work program, provided the child

1 is not deprived of the schooling that is appropriate for the child's age, needs, and  
2 specific rehabilitative goals. The supervised work program shall be of a constructive  
3 nature designed to promote rehabilitation, appropriate to the age level and physical  
4 ability of the child, and shall be combined with counseling by the court services officer  
5 or other guidance personnel. The supervised work program assignment shall be made  
6 for a period of time consistent with the child's best interests, but for not more than  
7 ninety days;

8 (4) The court may place the child at the Human Services Center for examination and  
9 treatment;

10 (5) The court may commit the child to the Department of Corrections;

11 (6) The court may place the child in a detention facility for not more than ninety days,  
12 which may be in addition to any period of temporary custody;

13 (7) The court may place the child in an alternative educational program;

14 (8) The court may order the suspension or revocation of the child's driving privilege or  
15 restrict the privilege in such manner as it sees fit;

16 (9) The court may assess or tax costs and fees permitted by §§ 16-2-41, 23-3-52, 23A-  
17 27-26, and 23A-27-27 against the child and against any parent, guardian, custodian,  
18 or other party responsible for the child.