

State of South Dakota

SEVENTY-SIXTH SESSION LEGISLATIVE ASSEMBLY, 2001

457E0461

HOUSE BILL NO. 1110

Introduced by: Representatives Hennies (Thomas), Bartling, Burg, Clark, Frost, Garnos, Hunhoff, Jensen, McCaulley, Rhoden, and Slaughter and Senators Albers, Diedrich (Elmer), McCracken, Putnam, and Vitter

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~~ person detained in a jail or a juvenile correctional facility. No prescription or
9 nonprescription drugs may be possessed by any ~~inmate of a jail~~ person detained in a jail or a
10 juvenile correctional facility except by order of a physician. Such order shall be in writing and
11 for a 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

1 hallucinogens is a Class 4 felony;

2 (3) Possession of a weapon as defined in subdivision 22-1-2(10) is a Class 2 felony.

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

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

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

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