

# State of South Dakota

## SEVENTY-SIXTH SESSION LEGISLATIVE ASSEMBLY, 2001

271E0277

### HOUSE BILL NO. 1147

Introduced by: Representatives Jaspers, Broderick, Brown (Richard), Davis, Duniphan, Elliott, Flowers, Holbeck, Juhnke, Kooistra, McCaulley, Murschel, Olson (Mel), and Smidt and Senators Hutmacher, Brown (Arnold), Dennert, Diedrich (Larry), Koetzle, McIntyre, Moore, Munson, and Symens

1 FOR AN ACT ENTITLED, An Act to revise certain eligibility restrictions relating to secondary  
2 school extracurricular activities.

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

4 Section 1. That § 13-32-9 be amended to read as follows:

5 13-32-9. Any person adjudicated, convicted, or the subject of a suspended imposition of  
6 sentence for possession, use, or distribution of controlled substances or marijuana as defined in  
7 chapter 22-42 is ineligible to participate in any extracurricular activity at any secondary school  
8 accredited by the Department of Education and Cultural Affairs for one year. However, the one-  
9 year suspension may be reduced to sixty calendar days if the person participates in an assessment  
10 with a certified chemical dependency counselor or completes an accredited intensive prevention  
11 program. If the assessment indicates the need for a higher level of care, the student is required  
12 to complete the prescribed program before becoming eligible to participate in extracurricular  
13 activities.

14 Upon a subsequent adjudication, conviction, or suspended imposition of sentence for

1 possession, use, or distribution of controlled substances or marijuana by a court of competent  
2 jurisdiction, that person is ineligible to participate in any extracurricular activity while that person  
3 is attending any school accredited by the Department of Education and Cultural Affairs.  
4 However, the permanent suspension may be reduced to one hundred twenty calendar days if the  
5 person participates in a complete alcohol, tobacco, and other drug assessment with a certified  
6 chemical dependency counselor and completes a minimum of sixty hours of counseling with a  
7 certified chemical dependency counselor or completes an accredited treatment program. The  
8 student is required to complete any prescribed program before becoming eligible to participate  
9 in extracurricular activities.

10 Upon ~~such~~ a determination in any juvenile proceeding that a person has been adjudicated,  
11 convicted, or received a suspended imposition of sentence for possession, use, or distribution of  
12 a controlled substance, the Unified Judicial System shall give notice of that determination to the  
13 South Dakota High School Activities Association and the chief administrator of the school in  
14 which the person is enrolled. As used in this section, the term, extracurricular activity, means any  
15 activity sanctioned by the South Dakota High School Activities Association.