



# State of South Dakota

SEVENTY-SIXTH SESSION  
LEGISLATIVE ASSEMBLY, 2001

517E0055

HOUSE EDUCATION COMMITTEE ENGROSSED NO.

**HB 1004** - 01/24/2001

Introduced by: Representatives McCoy, Monroe, and Slaughter and Senators Ham and Madden at the request of Interim Judiciary Committee

1 FOR AN ACT ENTITLED, An Act to require notice to schools if a student commits certain  
2 crimes.

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

4 Section 1. Within ten days after disposition of any judicial proceeding in which a juvenile is  
5 adjudicated or convicted of committing, attempting to commit or conspiring to commit murder,  
6 manslaughter, rape, aggravated assault, riot, robbery, burglary in the first or second degree,  
7 arson, kidnapping, felony sexual contact as defined in § 22-22-7 and § 22-22-19.1, any felony  
8 offense pursuant to chapter 22-14 or any felony offense pursuant to chapter 22-14A, the Unified  
9 Judicial System shall give notice to the chief administrator of the school in which the juvenile is  
10 enrolled. The notice shall include a description of the offense committed and the disposition by  
11 the court and may include a description of the acts constituting the offense.

12 Section 2. The information disclosed pursuant to section 1 of this act is governed by the  
13 federal Family Educational Rights and Privacy Act (FERPA) as implemented in 34 CFR part 99,  
14 as effective on January 1, 2001. The Unified Judicial System shall disclose the information to the

1 chief administrator of a nonpublic school only upon request and upon the execution of an  
2 agreement to follow the provisions of the federal Family Educational Rights and Privacy Act  
3 (FERPA) with regard to the information.

# State of South Dakota

SEVENTY-SIXTH SESSION  
LEGISLATIVE ASSEMBLY, 2001

400E0286

HOUSE HEALTH AND HUMAN SERVICES  
COMMITTEE ENGROSSED NO. **HB 1025** -  
01/24/2001

Introduced by: The Committee on Health and Human Services at the request of the  
Department of Human Services

1 FOR AN ACT ENTITLED, An Act to repeal and revise certain mental health provisions  
2 pertaining to the state interagency coordinating network council and the local interagency  
3 teams.

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

5 Section 1. That § 27A-15-52 be repealed.

6 ~~—27A-15-52. The South Dakota department of human services, department of social services,~~  
7 ~~department of education and cultural affairs, department of health, department of corrections,~~  
8 ~~and unified judicial system shall jointly establish an interagency plan for a comprehensive system~~  
9 ~~of placements, programs and services for minors with emotional disturbances and their families.~~  
10 ~~—The plan shall include provision for an ongoing interagency program to identify the least~~  
11 ~~restrictive existing placements, programs and services for minors with emotional disturbances~~  
12 ~~and their families, as well as to establish needed placements, programs and services through an~~  
13 ~~interagency sharing of professional expertise and financial and other resources.~~

14 Section 2. That § 27A-15-53 be repealed.

1 ~~27A-15-53. The interagency plan shall provide for the appointment of a State Interagency~~  
2 ~~Coordinating Network Council consisting of a qualified representative from each of the state~~  
3 ~~agencies involved in developing the plan as provided in § 27A-15-52. In addition, the committee~~  
4 ~~shall include two parents of minors with an emotional disturbance.~~

5 Section 3. That § 27A-15-54 be amended to read as follows:

6 27A-15-54. ~~The state interagency coordinating network council shall be responsible for the~~  
7 ~~implementation of the interagency program provided in § 27A-15-52. In addition, the council~~  
8 ~~shall appoint~~ Each mental health center may designate one or more local interagency teams in  
9 each of the state's mental health service areas. ~~The state interagency coordinating network~~  
10 ~~council shall assist local interagency teams~~ The local interagency teams may assist in identifying  
11 appropriate placements, programs, and services for minors with emotional disturbances and their  
12 families. Any local interagency team shall include a parent of a child with an emotional  
13 disturbance who resides within the service area.

14 Section 4. That § 27A-15-55 be repealed.

15 ~~27A-15-55. The South Dakota department of human services may promulgate rules pursuant~~  
16 ~~to chapter 1-26 governing the local interagency teams and the state interagency coordinating~~  
17 ~~network council.~~

18 Section 5. That § 27A-15-56 be repealed.

19 ~~27A-15-56. Each local interagency team shall be served by a qualified mental health~~  
20 ~~professional, in accordance with subdivision 27A-15-1 (2), with expertise in the treatment and~~  
21 ~~care of minors, and a staff member of the mental health center in the service area for which the~~  
22 ~~panel is appointed. The staff member of the mental health center, if qualified, may serve as the~~  
23 ~~panel's mental health professional except as otherwise provided in subdivision 27A-15-1 (2).~~  
24 ~~Each local interagency team shall also include a special education administrator from one of the~~

1 local school districts in the service area; a representative of court services from a circuit in which  
2 the service area is located; a representative from the Department of Social Services, child  
3 protection services, assigned within the service area; and a parent of a child with an emotional  
4 disturbance who resides within the service area.

5 Section 6. That § 27A-15-57 be repealed.

6 ~~—27A-15-57. Each local interagency team shall assist in identifying appropriate placements,~~  
7 ~~programs and services for minors with emotional disturbances and their families within its service~~  
8 ~~area. Each team shall also assist the state interagency coordinating network council in identifying~~  
9 ~~needed placements, programs and services which are not currently available within its service~~  
10 ~~area. In addition, each local interagency team shall perform the functions, duties and~~  
11 ~~responsibilities as provided and required in this chapter.~~

12 Section 7. That § 27A-15-58 be repealed.

13 ~~—27A-15-58. The information received and collected by each local interagency team pursuant~~  
14 ~~to the provisions of this chapter shall be filed and maintained by each such panel.~~

15 Section 8. That § 27A-15-59 be amended to read as follows:

16 27A-15-59. Any person serving as a member of a local interagency team as provided for in  
17 ~~§ 27A-15-56~~ § 27A-15-54 whose action in the identification of placements, programs, and  
18 services for minors with emotional disturbances and their families pursuant to the provisions of  
19 this chapter is made in good faith and in the best interest of the child, is immune from any civil  
20 liability that might otherwise be incurred or imposed. ~~Immunity also extends in the same manner~~  
21 ~~to members of the State Interagency Coordinating Network Council.~~

# State of South Dakota

SEVENTY-SIXTH SESSION  
LEGISLATIVE ASSEMBLY, 2001

400E0329

HOUSE TRANSPORTATION COMMITTEE  
ENGROSSED NO. **HB 1046** - 01/24/2001

Introduced by: The Committee on Transportation at the request of the Department of  
Revenue

1 FOR AN ACT ENTITLED, An Act to require certain boats documented by the United States  
2 Coast Guard to be registered, to revise certain provisions regarding the numbering of boats,  
3 and to allow Game, Fish and Parks Commission to establish a fee for a temporary boat  
4 license.

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

6 Section 1. That chapter 32-3A be amended by adding thereto a NEW SECTION to read as  
7 follows:

8 Any owner whose boat is registered and documented in accordance with United States Coast  
9 Guard regulations is not required to display a South Dakota boat number nor obtain a South  
10 Dakota certificate of title on the boat. However, if the boat is used on the waters of this state, the  
11 boat shall be registered and shall display South Dakota boat license validation decals. The owner  
12 shall attach to each side of the bow of the boat a validation decal. At the time of application for  
13 the boat license, the owner shall furnish proof of tax paid on the boat. Boat license validation  
14 decals expire on December thirty-first of the terminal year for the period issued. The owner can

1 apply for renewal validation decals as early as December first for the following year.

2 Section 2. That § 32-3A-11 be amended to read as follows:

3 32-3A-11. A boat is not required to be numbered under this chapter if it is:

4 (1) A boat covered by a number still in effect which was awarded pursuant to federal law  
5 or a federally approved numbering system of another state ~~and the~~, a boat that has not  
6 been in this state for more than sixty ~~consecutive~~ days ~~and~~, or a boat that has not been  
7 berthed for a contract period of more than sixty days in marina facilities controlled by  
8 this state;

9 (2) A boat from a country other than the United States temporarily using the waters of this  
10 state;

11 (3) A boat whose owner is the United States, a state, or subdivision thereof;

12 (4) A racing boat competing in a regatta or boat race approved by the Game, Fish and  
13 Parks Commission or operating during a period not to exceed forty-eight hours  
14 immediately preceding the race and the remainder of the race day; or

15 (5) A boat owned or operated by a person who is participating in a fishing tournament  
16 permitted by the Department of Game, Fish and Parks, provided the boat has been  
17 issued a temporary boat license valid in South Dakota for a period of ten consecutive  
18 days at a fee set by rules promulgated by the Game, Fish and Parks Commission  
19 pursuant to chapter 1-26.



# State of South Dakota

SEVENTY-SIXTH SESSION  
LEGISLATIVE ASSEMBLY, 2001

367E0180

HOUSE JUDICIARY COMMITTEE ENGROSSED NO.

**HB 1077 - 01/22/2001**

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 child adjudicated as a child in need of supervision.

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

4 Section 1. That § 26-8B-6 be amended to read as follows:

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

8 (1) The court may place the child on probation or under protective supervision in the  
9 custody of one or both parents, guardian, custodian, relative, or another suitable  
10 person under conditions imposed by the court;

11 (2) The court may require as a condition of probation that the child report for assignment  
12 to a supervised work program, provided the child is not placed in a detention facility  
13 and is not deprived of the schooling that is appropriate to the child's age, needs, and  
14 specific rehabilitative goals. The supervised work program shall be of a constructive  
15 nature designed to promote rehabilitation, shall be appropriate to the age level and

1 physical ability of the child and shall be combined with counseling by a court services  
2 officer or other guidance personnel. The supervised work program assignment shall  
3 be made for a period of time consistent with the child's best interests, but may not  
4 exceed ninety days;

5 (3) If the court finds that the child has violated a valid court order, the court may place the  
6 child in a detention facility, for purposes of disposition if:

7 (a) The child is not deprived of the schooling that is appropriate for the child's age,  
8 needs, and specific rehabilitative goals;

9 (b) The child had a due process hearing before the order was issued;

10 (c) Before the issuance of such order, a local interagency team, authorized pursuant  
11 to § 27A-15-56 shall review the behavior of the child and the circumstances  
12 under which such child was brought before the court and made subject to such  
13 order; determine the reasons for the behavior that caused such child to be  
14 brought before the court and made subject to such order; determine that all  
15 dispositions, including treatment, other than placement in a detention facility or  
16 the Department of Corrections, have been exhausted or are clearly  
17 inappropriate; and submit to the court a written report stating the results of the  
18 review and determinations made;

19 (4) The court may require the child to pay for any damage done to property or for medical  
20 expenses under conditions set by the court if payment can be enforced without serious  
21 hardship or injustice to the child;

22 (5) The court may commit the child to the Department of Corrections for placement in a  
23 juvenile correctional facility, foster home, group home, group care center, or  
24 residential treatment center pursuant to chapter 26-11A. Prior to placement in a

1 juvenile correctional facility, an interagency team comprised of representatives from  
2 the Department of Human Services, Department of Social Services, Department of  
3 Education and Cultural Affairs, and the Department of Corrections shall make a  
4 written finding that placement at a Department of Corrections facility is the least  
5 restrictive placement commensurate with the best interests of the child. Subsequent  
6 placement in any other Department of Corrections facility may be authorized without  
7 an interagency review;

8 (6) The court may place a child in an alternative educational program;

9 (7) The court may order the child to be examined and treated at the Human Services  
10 Center;

11 (8) The court may impose a fine not to exceed five hundred dollars;

12 (9) The court may order the suspension or revocation of the child's driving privilege or  
13 restrict the privilege in such manner as it sees fit or as required by § 32-12-52.4;

14 (10) The court may assess or tax costs and fees permitted by §§ 16-2-41, 23-3-52, 23A-27-  
15 26, and 23A-27-27 against the child, parent, guardian, custodian, or other party  
16 responsible for the child.

17 No adjudicated child in need of supervision may be incarcerated in a detention facility except  
18 as provided in subdivision (3) or (5) of this section.