

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

400E0335

HOUSE ENGROSSED NO. **HB 1022** - 01/23/2001

Introduced by: The Committee on State Affairs at the request of the Department of
Corrections

1 FOR AN ACT ENTITLED, An Act to authorize the Department of Corrections to construct
2 prison industries buildings at the South Dakota State Penitentiary, the Jameson Prison
3 Annex, and the Mike Durfee State Prison, to make an appropriation therefor, and to declare
4 an emergency.

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

6 Section 1. There is hereby appropriated from the prison industries revolving fund the sum
7 of one million one hundred and seventy-seven thousand dollars (\$1,177,000), or so much thereof
8 as may be necessary, to the Department of Corrections for the construction, completion,
9 furnishing, equipping, and maintaining of three prison industries buildings including utilities,
10 architectural and engineering services, plumbing, water, sewer, electric facilities, construction
11 of sidewalks and driveways, landscaping of the grounds, and site preparation at the South
12 Dakota State Penitentiary, Sioux Falls, the Jameson Prison Annex, Sioux Falls, and the Mike
13 Durfee State Prison, Springfield.

14 Section 2. The design and construction of the buildings shall be under the general charge and
15 supervision of the Bureau of Administration as provided in chapter 5-14.

1 Section 3. The Bureau of Administration and the Department of Corrections shall approve
2 vouchers and the state auditor shall draw warrants to pay expenditures authorized by this Act.

3 Section 4. Any amounts appropriated in this Act not lawfully expended or obligated by
4 June 30, 2002, shall revert in accordance with § 4-8-21.

5 Section 5. Whereas, this Act is necessary for the support of the state government and its
6 existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full
7 force and effect from and after its passage and approval.

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

400E0342

HOUSE JUDICIARY COMMITTEE ENGROSSED NO.

HB 1051 - 01/16/2001

Introduced by: The Committee on Judiciary at the request of the Department of Social
Services

1 FOR AN ACT ENTITLED, An Act to increase the punishment for felony child abuse of a child
2 under seven years of age and to designate the offense as a crime of violence.

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

4 Section 1. That § 26-10-1 be amended to read as follows:

5 26-10-1. Any person who abuses, exposes, tortures, torments, or cruelly punishes a minor
6 in a manner which does not constitute aggravated assault, is guilty of a Class 4 felony. If the
7 victim is less than seven years of age, the person is guilty of a Class 3 felony. The use of
8 reasonable force, as provided in § 22-18-5, is a defense to an offense under this section.

9 If any person convicted of this offense is the minor's parent, guardian, or custodian, the court
10 shall include as part of the sentence, or conditions required as part of suspended execution or
11 imposition of such sentence, that the person receive instruction on parenting approved or
12 provided by the Department of Social Services. ~~This requirement does not apply if there is a~~
13 ~~reasonable expectation that parental rights will be terminated.~~

14 Section 2. That subdivision (9) of § 22-1-2 be amended to read as follows:

1 (9) "Crime of violence," any of the following crimes or an attempt to commit, or a
2 conspiracy to commit, any of the same: murder, manslaughter, rape, aggravated
3 assault, riot, robbery, burglary in the first or second degree, arson, kidnapping, felony
4 sexual contact as defined in §§ 22-22-7 and 22-22-19.1, felony child abuse as defined
5 in § 26-10-1, or any other felony in the commission of which the perpetrator used
6 force, or was armed with a dangerous weapon, or used any explosive or destructive
7 device;

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400E0191

HOUSE JUDICIARY COMMITTEE ENGROSSED NO.

HB 1061 - 01/17/2001

Introduced by: The Committee on Judiciary at the request of the Department of Game,
Fish and Parks

1 FOR AN ACT ENTITLED, An Act to prohibit certain persons from applying for a hunting,
2 fishing, or trapping license, to provide for an automatic revocation of any license or privilege,
3 and to provide for a penalty for a violation thereof.

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

5 Section 1. That chapter 41-1 be amended by adding thereto a NEW SECTION to read as
6 follows:

7 No person who is subject to an unpaid and unsatisfied judgment in favor of the State of
8 South Dakota for wildlife civil damages as determined in § 41-1-5.1 may purchase, attempt to
9 purchase, or possess any South Dakota hunting, fishing, or trapping license. If any person is in
10 violation of this section, such person's hunting, fishing, or trapping licenses and privileges are
11 automatically revoked without hearing until the judgment is paid in full and satisfied. A violation
12 of this section is a Class 1 misdemeanor.

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SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

367E0179

HOUSE JUDICIARY COMMITTEE ENGROSSED NO.

HB 1076 - 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 certain persons whose driving privileges have
2 been suspended or revoked to attend counseling programs.

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

4 Section 1. That § 32-12-52.3 be amended to read as follows:

5 32-12-52.3. Upon a first conviction or a first adjudication of delinquency for a violation,
6 while in a motor vehicle, of §§ 22-42-5 to 22-42-11, inclusive, § 22-42A-3 or 22-42A-4, the
7 court shall revoke the driver's license or driving privilege of the person so convicted for a period
8 of one hundred eighty days.

9 Upon a second or subsequent conviction or a second or subsequent adjudication of
10 delinquency for a violation, while in a motor vehicle, of §§ 22-42-5 to 22-42-11, inclusive,
11 § 22-42A-3 or 22-42A-4, the court shall revoke the driver's license or driving privilege of the
12 person so convicted for a period of one year or until the person's seventeenth birthday, whichever
13 is a longer period of time. For any offense under this section, the court may issue an order
14 permitting the person to operate a motor vehicle for purposes of the person's employment ~~or,~~
15 attendance at school, or counseling programs. Notwithstanding the provisions of chapters 26-7A,

1 26-8A, 26-8B, and 26-8C, the Unified Judicial System shall notify the Department of Commerce
2 and Regulation of any conviction or adjudication of delinquency for a violation, while in a motor
3 vehicle, of §§ 22-42-5 to 22-42-11, inclusive, § 22-42A-3 or 22-42A-4. The period of revocation
4 shall begin on the date the person's revoked driver's license is received by the court or the
5 department. At the expiration of the revocation period, a person may make application as
6 provided by law and shall pay the license fee prescribed in § 32-12-47.1.

7 Section 2. That § 32-12-52.4 be amended to read as follows:

8 32-12-52.4. Upon a first conviction for violation, while in a motor vehicle, of § 35-9-2, the
9 court shall suspend the driver's license or driving privilege of any driver of a vehicle who was
10 under the age of twenty-one when the offense occurred, for a period of six months.

11 Upon a second or subsequent conviction for a violation, while in a motor vehicle, of
12 § 35-9-2, the court shall suspend the driver's license or driving privilege of any driver of a vehicle
13 who was under the age of twenty-one when the offense occurred, for a period of one year. For
14 any offense under this section, the court may issue an order permitting the person to operate a
15 motor vehicle for purposes of the person's employment ~~or~~, attendance at school, or attendance
16 at counseling programs.

17 Notwithstanding the provisions of chapters 26-7A, 26-8A, 26-8B, and 26-8C, the Unified
18 Judicial System shall notify the Department of Commerce and Regulation of any conviction for
19 a violation, while in a motor vehicle, of § 35-9-2 or chapter 32-23. The period of suspension
20 shall begin on the date the person's suspended driver's license is received by the court or the
21 Department of Commerce and Regulation. At the expiration of the period of suspension, a
22 person may make application to have the license reinstated and pay the license fee as prescribed
23 in § 32-12-47.1.

24 Section 3. That § 32-33-18 be amended to read as follows:

1 32-33-18. Any driver of a motor vehicle who intentionally fails or refuses to bring a vehicle
2 to a stop, or who otherwise flees or attempts to elude a pursuing law enforcement vehicle, when
3 given visual or audible signal to bring the vehicle to a stop, is guilty of eluding. The signal given
4 by the law enforcement officer may be by hand, voice, emergency light, or siren. The officer
5 giving the signal shall be in uniform, prominently displaying a badge of office, and the vehicle
6 shall be appropriately marked showing it to be an official law enforcement vehicle.

7 Eluding is a Class 1 misdemeanor. In addition, the court shall order that the defendant's
8 driver's license be ~~suspended~~ revoked for one year, but may issue an order allowing the defendant
9 ~~a work permit to operate a motor vehicle for purposes of the defendant's employment,~~
10 attendance at school, or counseling programs. Any person who is found guilty of eluding is
11 subject to the additional enhanced penalties if the course of eluding results in:

- 12 (1) Death or great bodily injury to another person, a Class 4 felony; and
13 (2) Substantial bodily injury to another person or property damage in excess of five
14 hundred dollars to property belonging to a person other than the person eluding, a
15 Class 6 felony.

16 For any subsequent violation, the court shall order that the defendant's driver's license be
17 ~~suspended~~ revoked for five years.

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SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

367E0181

HOUSE JUDICIARY COMMITTEE ENGROSSED NO. **HB 1078** - 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 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, parent, guardian, custodian, or other party
18 responsible for the child.

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

552E0462 **SENATE AGRICULTURE AND NATURAL RESOURCES**
COMMITTEE ENGROSSED NO. SB 94 - 01/25/2001

Introduced by: Senators Bogue, Duxbury, Koetzle, McCracken, Moore, Reedy, and Sutton (Dan) and Representatives Jaspers, Bartling, Hennies (Thomas), Jensen, Kloucek, McCaulley, Michels, Monroe, Nachtigal, Rhoden, Sebert, and Slaughter

1 FOR AN ACT ENTITLED, An Act to establish a statute of limitations for veterinary services.

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

3 Section 1. An action against a veterinarian or any member of a veterinarian's staff for
4 malpractice, error, mistake, or failure to cure, whether based upon contract or tort, may be
5 commenced only within three years after the alleged malpractice, error, mistake, or failure to
6 cure has occurred. However, the provisions of this section do not prohibit any counterclaim for
7 malpractice, error, mistake, or failure to cure, as a defense to any action for services brought by
8 a veterinarian.