

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

367E0181

SENATE ENGROSSED NO. **HB 1078** - 01/30/2001

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 charge costs and fees permitted by §§ 16-2-41, 23-3-52,
17 23A-27-26, and 23A-27-27 against the child, parent, guardian, custodian, or other
18 party responsible for the child.