

# State of South Dakota

SEVENTY-SIXTH SESSION  
LEGISLATIVE ASSEMBLY, 2001

457E0461

SENATE JUDICIARY COMMITTEE ENGROSSED NO.

**HB 1110** - 02/12/2001

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 delivery of certain contraband to juvenile  
2 detention facilities and to revise the definition of contraband with regard to certain  
3 correctional facilities.

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

5 Section 1. That § 24-11-48 be amended to read as follows:

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

13 Section 2. That § 24-2-14 be amended to read as follows:

14 24-2-14. No alcoholic beverages, prescription ~~or nonprescription~~ drugs, controlled



1 substances as defined by chapter 34-20B, ~~hallucinogen~~, marijuana, weapons as defined in  
2 subdivision 22-1-2(10), or any article of indulgence may be possessed by any inmate of the state  
3 penitentiary except by order of a physician, physician assistant, or nurse practitioner as defined  
4 in chapters 36-4, 36-4A, and 36-9A, respectively, which order shall be in writing and for a  
5 definite period. A violation of this section constitutes a felony pursuant to the following  
6 schedule:

- 7 (1) Possession of alcoholic beverages or marijuana is a Class 6 felony;
- 8 (2) Possession of prescription ~~or nonprescription~~ drugs; or controlled substances ~~or~~  
9 ~~hallucinogens~~ is a Class 4 felony;
- 10 (3) Possession of a weapon as defined in subdivision 22-1-2(10) is a Class 2 felony.