

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

457E0461

SENATE ENGROSSED NO. **HB 1110** - 02/14/2001

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

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

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

Section 3. That § 24-11-47 be amended to read as follows:

24-11-47. No alcoholic beverages, controlled substances as defined by chapter 34-20B, ~~hallucinogens~~, marijuana, or weapons as defined in subdivision 22-1-2(10), may be possessed by any inmate of a jail. No prescription ~~or nonprescription~~ drugs may be possessed by any inmate of a jail except by order of a physician, physician assistant, or nurse practitioner, as defined in chapters 36-4, 36-4A, and 36-9A, respectively. Such order shall be in writing and for a definite period. A violation of this section constitutes a felony pursuant to the following schedule:

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