

# State of South Dakota

SEVENTY-SIXTH SESSION  
LEGISLATIVE ASSEMBLY, 2001

583E0394

## SENATE EDUCATION COMMITTEE ENGROSSED NO. **SB 220** - 02/15/2001

Introduced by: Senator Moore and Representative Kooistra

1 FOR AN ACT ENTITLED, An Act to revise certain provisions relating to the suspension of  
2 students from extracurricular activities for certain drug and marijuana offenses.

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

4 Section 1. That § 13-32-9 be amended to read as follows:

5 13-32-9. Any person adjudicated, convicted, or the subject of a suspended imposition of  
6 sentence for possession, use, or distribution of controlled substances or marijuana as defined in  
7 chapter 22-42 is ineligible to participate in any extracurricular activity at any secondary school  
8 accredited by the Department of Education and Cultural Affairs for one year. The one-year  
9 suspension may be reduced to sixty calendar days if the person participates in an assessment with  
10 a certified chemical dependency counselor and completes a minimum of thirty hours of  
11 counseling with a certified chemical dependency counselor or completes an accredited intensive  
12 prevention program. If the assessment indicates the need for a higher level of care, the student  
13 shall complete the prescribed program before becoming eligible to participate in activities.

14 Upon a subsequent adjudication, conviction, or suspended imposition of sentence for  
15 possession, use, or distribution of controlled substances or marijuana by a court of competent

1 jurisdiction, that person is ineligible to participate in any extracurricular activity while that person  
2 is attending any school accredited by the Department of Education and Cultural Affairs. The  
3 permanent suspension may be reduced to one hundred twenty calendar days if the person  
4 participates in a complete alcohol, tobacco, and other drug assessment with a certified chemical  
5 dependency counselor and completes a minimum of sixty hours of counseling with a certified  
6 chemical dependency counselor or completes an accredited treatment program. The student shall  
7 complete the prescribed program before becoming eligible to participate in activities.

8       Upon ~~such a~~ determination in any juvenile proceeding that a person has been adjudicated,  
9 convicted, or received a suspended imposition of sentence for possession, use, or distribution of  
10 controlled substances or marijuana, the Unified Judicial System shall give notice of that  
11 determination to the South Dakota High School Activities Association and the chief  
12 administrator of the school in which the person is enrolled.

13       As used in this section, the term, extracurricular activity, means any activity sanctioned by  
14 the South Dakota High School Activities Association.

15       Section 2. If a person is adjudicated, convicted, or the subject of a suspended imposition of  
16 sentence for distribution of controlled substances or marijuana, the person's suspension may not  
17 be reduced according to the provisions of this Act.