

AN ACT

ENTITLED, An Act to criminalize the delivery of certain contraband to juvenile detention facilities and to revise the definition of contraband with regard to certain correctional facilities.

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

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

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

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

24-2-14. No alcoholic beverages, prescription or nonprescription drugs, controlled substances as defined by chapter 34-20B, 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 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, 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 is a Class 4 felony;
- (3) Possession of a weapon as defined in subdivision 22-1-2(10) is a Class 2 felony.

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I certify that the attached Act
originated in the

HOUSE as Bill No. 1110

Chief Clerk

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Speaker of the House

Attest:

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1110

File No. _____

Chapter No. _____

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Received at this Executive Office
this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor

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The attached Act is hereby
approved this _____ day of
_____, A.D., 20____

Governor

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STATE OF SOUTH DAKOTA,
ss.

Office of the Secretary of State

Filed _____, 20____
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State