

# State of South Dakota

SEVENTY-SEVENTH SESSION  
LEGISLATIVE ASSEMBLY, 2002

400H0254

## SENATE ENGROSSED NO. **SB 47** - 01/31/2002

Introduced by: The Committee on State Affairs at the request of the Department of Corrections

1 FOR AN ACT ENTITLED, An Act to authorize the Department of Corrections to release  
2 juvenile information to the adult corrections system.

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

4 Section 1. That § 26-7A-28 be amended to read as follows:

5 26-7A-28. No fingerprint, photograph, name, address, or other information concerning  
6 identity of any child taken into temporary custody or issued a summons under this chapter or  
7 chapter 26-8A, 26-8B, or 26-8C may be released or transmitted to the Federal Bureau of  
8 Investigation or any other person or agency except in the following instances:

- 9 (1) To the person or party specifically authorized by order of the court; ~~and~~  
10 (2) To courts, law enforcement agencies, prosecuting attorneys, court services officers,  
11 and the Department of Social Services if the child is an adjudicated delinquent  
12 offender; and  
13 (3) From the Juvenile Division of the Department of Corrections to the Adult Division  
14 of the Department of Corrections for any person that had previously been committed  
15 to the Department of Corrections as a juvenile and is now incarcerated or on parole



1           as an adult under the Department of Corrections.

2           Information regarding an alleged, apparent, or adjudicated abused or neglected child may be  
3 released only in accordance with § 26-8A-13. Any information about a juvenile released by a  
4 juvenile correctional facility or program to the Department of Corrections pursuant to this  
5 section shall be destroyed by the Department of Corrections within four years of its receipt.

6           Section 2. That § 26-7A-29 be amended to read as follows:

7           26-7A-29. Notwithstanding §§ 26-7A-27 and 26-7A-28, information concerning children  
8 may be released, pursuant to an order of the court, to persons or agencies who have a legitimate  
9 interest in the child, to the child's parents, guardian, or custodian, or to the child's attorney. The  
10 Department of Social Services may release information pursuant to provisions of § 26-8A-13  
11 regarding apparent, alleged, or adjudicated abused or neglected children. Any correctional or  
12 detention facility may release information concerning any child to any other correctional or  
13 detention facility that has a legitimate interest in the child. Any juvenile correctional facility or  
14 program may release information to an adult correctional facility or program for treatment and  
15 classification purposes of a person that has previously been committed to the Department of  
16 Corrections as a juvenile and is now incarcerated or on parole as an adult under the Department  
17 of Corrections. Any information about a juvenile released by a juvenile correctional facility or  
18 program to the Department of Corrections pursuant to this section shall be destroyed by the  
19 Department of Corrections within two years of its receipt.