

State of South Dakota

SEVENTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2002

894H0621

HOUSE ENGROSSED NO. **HB 1253** - 02/07/2002

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.

Introduced by: Representatives Gillespie, Bartling, Bradford, Burg, Davis, Elliott, Flowers, Hargens, Hennies (Thomas), Kloucek, McCoy, Nachtigal, Nesselhuf, Olson (Mel), Valandra, and Van Norman and Senators McIntyre, de Hueck, Dennert, Hutmacher, Koetzle, Moore, Staggers, and Sutton (Dan)

1 FOR AN ACT ENTITLED, An Act to revise certain provisions pertaining to the juvenile
2 corrections monitor.

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

4 Section 1. That § 26-11A-27 be amended to read as follows:

5 26-11A-27. The monitor created in § 26-11A-25 ~~may~~ shall:

- 6 (1) Investigate incidents of abuse or neglect of such individuals within the juvenile
7 corrections facilities, if the incidents are reported to the monitor or if there is
8 reasonable suspicion to believe that the incidents occurred;
- 9 (2) Access any individual in the custody or care of juvenile corrections facilities and any
10 employee in the employ of the State of South Dakota or any of its political
11 subdivisions;
- 12 (3) Access any records of or relating to any individual in the custody or care of juvenile
13 facilities;



- 1 (4) Provide ~~an annual~~ a semi-annual report to the Governor, the Legislature, the
2 Corrections Commission established by § 1-15-1.13, the secretary of the Department
3 of Human Services, and the secretary of the Department of Corrections. The report
4 shall contain the activities of the monitor for the ~~fiscal year~~ six-month period
5 immediately prior to the report. Activities shall reflect the number of referrals to the
6 monitor, the number of investigations completed, results of the investigations,
7 corrective actions taken, and a summary of other activities performed by the monitor;
- 8 (5) Provide training and assistance to employees of the Department of Corrections in
9 areas within the scope of the monitor's position;
- 10 (6) Review Department of Corrections' policies dealing with juvenile's rights to ensure
11 compliance with federal and state laws, rules, and policy;
- 12 (7) Provide reasonable notification of the existence and role of the monitor to all
13 individuals in the custody or care of a juvenile corrections facility and the custodial
14 parent or guardian.

15 Section 2. That § 26-11A-29 be repealed.

16 ~~— 26-11A-29. The Department of Corrections or such other executive branch agency that the~~
17 ~~Governor directs, shall, on or before December 1, 2000, submit to the Government Operations~~
18 ~~and Audit Committee a report and recommendation regarding the desirability and feasibility of~~
19 ~~the Department of Corrections seeking American Correctional Association accreditation of all~~
20 ~~juvenile corrections facilities under the direction of the Governor.~~