

AN ACT

ENTITLED, An Act to revise certain provisions regarding rights for crime victims.

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

Section 1. That § 23A-28C-4 be amended to read:

23A-28C-4. For the purposes of this chapter, the term, victim, means any person being the direct subject of an alleged act that would constitute a crime of violence as defined by subdivision 22-1-2(9), burglary in the second degree, simple assault as defined in §§ 22-18-1 and 22-18-1.5, interference with emergency communication as defined in § 49-31-29.2, violation of a protection order or no contact order as defined in § 25-10-13, disorderly conduct between persons in a relationship described in § 25-10-3.1, stalking as defined in chapter 22-19A, a violation of chapter 22-22, a violation of chapter 22-49, or a driving or boating under the influence vehicle accident, under the laws of South Dakota or the laws of the United States. If the victim does not survive, is a minor, or is unable to comment, the term, victim, means the members of the immediate family of the primary victim. The victim may also designate a representative to act on the victim's behalf.

Section 2. That § 23A-28C-3 be amended to read:

23A-28C-3. A victim may seek a cause of action for injunctive relief to enforce the victim's rights under S.D. Const., Art. VI, § 29 or this chapter. No other cause of action exists against any person for a failure to comply with the terms of this chapter. If a victim asserts in writing to the court with jurisdiction over the case that a violation of this chapter has occurred, the court shall act promptly to ensure the victim's rights and interests are protected in a manner no less vigorous than the protections afforded to the defendant. The court, in its discretion, may determine if additional hearings or orders are necessary to ensure compliance with the chapter. The court shall clearly enter on the record the reasons for any decision regarding the disposition of a victim's rights. A violation of any right set forth in § 23A-28C-1 does not constitute grounds for an appeal from conviction by

a defendant or for any other relief from such conviction.

Section 3. That the code be amended by adding a NEW SECTION to read:

Nothing in this Act may prevent interagency multidisciplinary teams from sharing information for the purposes of investigating a crime or providing services to victims, as defined in § 23A-28C-4, in the course of the team member's speciality or occupation. Any information regarding a victim that a team member shares with other team members shall remain confidential, pursuant to this title and if the victim is a child, pursuant to § 26-8A-13. A team shall consist of law enforcement personnel, a representative of the prosecuting attorney's office, licensed or certified medical professionals, and any victim advocate. Any interagency multidisciplinary team formed to investigate crimes involving child victims shall also include child advocacy center staff where such staff is available in the region, Department of Social Services child protection staff, and licensed or certified mental health professionals. The team may include additional members at the discretion of the team if the additional member would benefit the victim. Each multidisciplinary team shall have written procedures and guidelines. Multidisciplinary team members shall annually sign a memorandum of understanding acknowledging the procedure and guidelines. The memorandum of understanding shall also include an information sharing and confidentiality agreement, approved by the attorney general, assuring compliance with title 23A. The multidisciplinary team shall file a list of team members and the memorandums of understanding with the Office of the Attorney General and the Department of Social Services as required by § 26-8A-17.

An Act to revise certain provisions regarding rights for crime victims.

=====

I certify that the attached Act
originated in the

HOUSE as Bill No. 1174

Chief Clerk

=====

Speaker of the House

Attest:

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1174

File No. _____

Chapter No. _____

=====

Received at this Executive Office
this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor

=====

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

Governor

=====

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