

AN ACT

ENTITLED, An Act to revise certain provisions regarding the extradition of fugitives by Indian tribes.

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

Section 1. That § 23-24B-2 be repealed.

Section 2. That § 23-24B-3 be amended to read:

23-24B-3. A demand for extradition of a person charged with an offense by an Indian tribe in this state may be recognized by this state if a written request for extradition is received by the attorney general. The request shall state that the accused person was present on the demanding reservation at the time of the commission of the alleged crime and that thereafter the person fled from the reservation to avoid prosecution. The request shall be accompanied by:

- (1) A copy of any arrest warrant issued for the person;
- (2) A copy of any judgment of conviction or sentence imposed, if applicable; and
- (3) A sworn statement from a reservation judicial officer that the person:
 - (a) Claimed has escaped or evaded confinement, or broken the terms of the person's probation, bail, or parole; and
 - (b) Has been charged with committing a specific offense under the laws of the tribe.

Section 3. That § 23-24B-8 be amended to read:

23-24B-8. The law enforcement officer or person executing the judge's warrant of arrest, or the agent of the demanding tribe to whom the prisoner may have been delivered may, if necessary, confine the prisoner in the jail of any county or first or second class municipality through which the prisoner may pass. The person in charge of the jail shall receive and safely keep the prisoner until the law enforcement officer or person having charge of the prisoner is ready to proceed on the route. The governmental unit which employs the law enforcement officer or person having custody of the

prisoner shall be charged with the expense of keeping the prisoner, unless reimbursement is otherwise provided pursuant to an agreement between the tribe and governmental unit.

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I certify that the attached Act originated in the

HOUSE as Bill No. 1278

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. 1278

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