

# State of South Dakota

NINETY-FOURTH SESSION  
LEGISLATIVE ASSEMBLY, 2019

443B0078

## SENATE BILL NO. 144

Introduced by: Senators Nesiba, Foster, Heinert, and Wismer and Representatives Duba, Bordeaux, Healy, Poirier, Smith (Jamie), and Sullivan

1 FOR AN ACT ENTITLED, An Act to remove certain sanctions regarding public assistance for  
2 certain felony drug offenders.

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

4 Section 1. That ARSD 67:10:01:13 be repealed.

5 ~~67:10:01:13. Individual ineligible if convicted of certain offenses. An individual is~~  
6 ~~ineligible for assistance under this article if the individual is convicted of a felony under federal~~  
7 ~~or state law which felony has as an element the possession, use, or distribution of a controlled~~  
8 ~~substance. An individual applying for assistance must, during the application process, state in~~  
9 ~~writing on a form available from the department whether the individual or any member of the~~  
10 ~~individual's household has been convicted of such a crime. This section does not apply to~~  
11 ~~convictions which occurred before August 23, 1996.~~

12 Section 2. That chapter 28-7A be amended by adding a NEW SECTION to read:

13 Pursuant to section 21 U.S.C. § 862a(d)(1)(A), South Dakota opts out of the provisions of  
14 section 21 U.S.C. § 62a(a)(1).

15 A person with a felony conviction under state or federal law may be eligible to receive



1 assistance under chapter 28-7A. The Department shall promulgate rules, pursuant to chapter 1-  
2 26, regarding eligibility under this section.