



2023 South Dakota Legislature
Senate Bill 5
ENROLLED

AN ACT

ENTITLED An Act to extend the termination date of the Juvenile Justice Oversight Council and modify its membership requirements.

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

Section 1. That § 26-8D-9 be AMENDED:

26-8D-9. The oversight council terminates on June 30, 2031, unless the Legislature continues the oversight council for a specified period of time. The oversight council shall meet semi-annually or at the call of its chair or at the request of a majority of its members. The oversight council may:

- (1) Review the juvenile justice system for changes that improve public safety, reduce recidivism, hold youth accountable, provide better outcomes for children and families, and control juvenile justice costs;
- (2) Review performance measures and outcome measures required by this chapter and proposed by the Department of Corrections, Unified Judicial System, and Department of Social Services, and recommend any additional measures needed to identify outcomes in the juvenile justice system;
- (3) Review performance measures and outcome measures submitted semiannually by the Department of Corrections, Unified Judicial System, and Department of Social Services pursuant to §§ 26-8D-4, 26-8D-12, 26-8D-15, 26-8D-16, 26-8D-19, and 26-8D-20;
- (4) Review efforts by the Department of Social Services to ensure delivery of treatment in rural areas and related performance measures, and statewide availability of evidence-based programs and practices involving cognitive behavioral health and family therapy programs for justice-involved youth;
- (5) Assess implementation and infrastructure to support the sustainability and fidelity of evidence-based juvenile justice programs, including resources for staffing;

- (6) Track progress and make recommendations to improve outcomes for Native American children in the juvenile justice system;
- (7) Review the payments of the diversion incentive program to counties, pursuant to § 26-8D-2, and performance-based reimbursement payments to group care and residential treatment centers pursuant to §§ 26-8D-17 and 26-8D-18;
- (8) Review training related to juvenile justice for educators, law enforcement, probation, attorneys, corrections, program providers, and judges;
- (9) Review proven truancy and diversion models and best practices and make recommendations for statewide implementation; and
- (10) Prepare and submit an annual summary report of the performance and outcome measures that are part of this chapter and any recommendations for improvements related to juvenile justice to the Legislature, Governor, and Chief Justice.

Section 2. That § 26-8D-8 be AMENDED:

26-8D-8. The Juvenile Justice Oversight Council is created for the purpose of providing an independent review of the state juvenile justice system and providing recommendations to the Legislature, Governor, and Chief Justice. The oversight council consists of the following nineteen members:

- (1) The Governor shall appoint the following six members:
 - (a) A representative from the Department of Corrections;
 - (b) A representative from the Department of Social Services;
 - (c) A representative from a youth care provider;
 - (d) A representative from the Department of Tribal Relations;
 - (e) A member of law enforcement; and
 - (f) One at-large member;
- (2) The Chief Justice shall appoint the following six members:
 - (a) A juvenile justice defense attorney;
 - (b) Two circuit court judges;
 - (c) A juvenile court services officer;
 - (d) A representative from the State Court Administrator's Office; and
 - (e) One at-large member;
- (3) The president pro-tempore of the Senate shall appoint the following two Senators:
 - (a) A member of the Senate Judiciary Committee; and
 - (b) One other member of the Senate;

- (4) The speaker of the House of Representatives shall appoint the following two Representatives:
 - (a) A member of the House Judiciary Committee; and
 - (b) One other member of the House of Representatives;
- (5) The South Dakota Superintendent's Association shall appoint one representative from a large school district and one representative from a small school district; and
- (6) The attorney general shall appoint one state's attorney.

The oversight council shall select a chair and a vice chair every two years. Appointed members shall serve two-year terms and may be reappointed.

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I certify that the attached Act originated in
the:
Senate as Bill No. 5

Received at this Executive Office
this ____ day of _____,
2023 at _____ M.

Secretary of the Senate

By _____
for the Governor

President of the Senate

The attached Act is hereby
approved this ____ day of
_____, A.D., 2023

Attest:

Secretary of the Senate

Governor

STATE OF SOUTH DAKOTA,

ss.

Office of the Secretary of State

Speaker of the House

Attest:

Filed _____, 2023
at _____ o'clock __ M.

Chief Clerk

Secretary of State

Senate Bill No. 5
File No. _____
Chapter No. _____

By _____
Asst. Secretary of State