

1.5.F.1 Marriage of an Inmate

I Policy Index:



Date Signed: 01/24/2013
Distribution: Public
Replaces Policy: 5F.4
Supersedes Policy Dated: 04/04/2012
Affected Units: Adult Institutions
Effective Date: 01/28/2013
Scheduled Revision Date: December 2013
Revision Number: 11
Office of Primary Responsibility: DOC Administration

II Policy:

Inmates are permitted to marry during incarceration as long as the marriage does not conflict with current SDCL, Department of Corrections (DOC) policies or institutional operational memorandums.

III Definitions:

Employee:

For the purposes of this policy, an employee is any person employed by the DOC, full or part time, including an individual under contract assigned to the DOC, an employee of another state agency assigned to the DOC, authorized volunteers and student interns.

IV Procedures:

1. DOC Participation

- A. The DOC and its employees shall not incur any expense associated with an inmate marriage. Employees shall not be directed or asked to perform any duties that may assist or help facilitate the marriage of an inmate outside of their regularly assigned duties. The DOC and its employees will not help or assist an inmate with a marriage, including but not limited to the following:
1. Transportation of the inmate off the facility for the purpose of the marriage.
 2. Granting exceptions to the inmate's visit list(s) for the purposes of the marriage or making exceptions to the visit procedures as prescribed by DOC policy 1.5.D.1 [Inmate Visiting](#) and/or the facility's operational memorandum regulating visits.
 3. Paying for any costs associated with the marriage ceremony; e.g. clergy, license, etc.
 4. Officiating of a marriage ceremony.

- B. The DOC will not allow any activity associated with an inmate's marriage that poses or may pose a threat to the security or disciplined operation of any DOC facility or any activity that threatens public safety.
- C. South Dakota inmates housed in an out-of-state facility due to an interstate compact are subject to the receiving state's statutes, rules and/or policies pertaining to marriage as they apply to the facility where the inmate is housed.

V Related Directives:

DOC policy 1.5.D.1 – [Inmate Visiting](#)

VI Revision Log:

December 2002: Revised policy statement to include term while incarcerated.

July 2003: Changed signature block.

November 2004: Revised the policy statement. Added language that limits what activities the DOC will allow.

December 2005: No changes made.

January 2007: Updated the name of policy 1.5.D.1. Added a definition of employee. Revised the section on DOC Participation.

January 2008: No changes made.

December 2008: Revised formatting of policy in accordance with DOC policy 1.1.A.2. Added off the complex in ss (A1 of DOC Participation. Replaced title of DOC policy 1.5.D.1 to Inmate Visits in ss (A2) and section V, as well as referenced DOC policy in section V.

December 2009: Revised title of DOC policy 1.5.D.1. Added hyperlinks.

December 2010: No Changes

March 2012: Deleted "cannot assist in an inmate marriage" and Replaced with "shall not" and Added "any duties that may assist or help facilitate the marriage of an inmate outside of their regularly assigned duties. The DOC and its employees shall not help or assist" and Added "but not limited to the following:" to Section 1. A. Deleted "complex" and Replaced with facility for the purpose of the marriage." to Section 1 A. 1. Deleted "Prepare" and Replaced with "Granting exceptions to" and Deleted "outside of" and Replaced with "for the purpose of the marriage or making exceptions to" in Section 1 A. 2.

January 2013: Added C. to Section 1.

Denny Kaemingk

Denny Kaemingk, Secretary of Corrections

01/24/2013

Date