



DEPARTMENT OF CORRECTIONS

ADMINISTRATION

3200 East Highway 34
c/o 500 East Capitol Avenue
Pierre, SD 57501-5070
Phone: (605) 773-3478
Fax: (605) 773-3194

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CONTACT: Michael Winder, SD DOC (605) 773-3478

New Corrections Related Laws Take Effect July 1st

Pierre, S.D. - Several new state laws that impact the corrections system take effect July 1st, including changes to judicial sentencing options and revising the way juveniles are charged when arrested for driving under the influence of alcohol or a controlled substance.

Several of the corrections related bills were introduced to the legislature as the result of the work of two groups created in 2003. The Governor's Corrections Workgroup was appointed by Governor Rounds to study the state's growing prison population, and the Council of Juvenile Services, which was established to oversee the state's compliance with the federal Juvenile Justice and Delinquency Prevention Act.

"This past legislative session marked the first time the Governor's Corrections Workgroup and Council of Juvenile Services were able to share their expertise and recommendations with lawmakers," said Corrections Secretary Tim Reisch. "Both groups are made up of dedicated people from all walks of life who want to do what is right and what is best for the state's adult and juvenile corrections systems."

A change will be made to laws governing youth under the age of 18 who violate the so-called 'zero tolerance' driving under the influence statute. As of July 1st, youth arrested for operating a motor vehicle with a point-zero-two percent or more blood alcohol level but less than point-zero-eight percent or after having consumed marijuana or a controlled substance will now be handled as a Child in Need of Supervision (CHINS) instead of as an adult in magistrate court. Youth who are arrested for DUI with more than point-zero-eight blood alcohol level and those age 18 to 20 who violate the 'zero tolerance' driving under the influence law will still be charged as adults in magistrate court.

The Governor's Corrections Workgroup took the lead in passing Senate Bill 57, which repeals some requirements of mandatory consecutive sentences while leaving the option of consecutive sentencing up to the judge when a prisoner or inmate commits a new felony.

The legislature also passed Senate Bill 90, which was brought by the Board of Pardons and Paroles. SB 90 repeals a law allowing a judge to sentence an offender to an indeterminate time in prison. If a person received an indeterminate sentence, the Parole Board was required to determine the time that person would serve in prison.

Two other bills passed and signed into law will bring changes to the parole system. House Bill 1078 standardized procedures governing parole agreements. House Bill 1079 specifies when a preliminary hearing is not required for a person on parole.

Senate Bill 2 arose from the 2003 Interim Committee on Department of Corrections Agency Review. The majority of the changes in SB 2 modernize the language of existing statutes related to the Department of Corrections (DOC), remove outdated references to juvenile corrections programs and change the name in statute of the facility in Springfield to the Mike Durfee State Prison.