



DEPARTMENT OF CORRECTIONS

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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 allowing prisons and jails to involuntarily feed prisoners on a hunger strike and extending the discretion of judges on sentences.

The 2005 Legislature passed Senate Bill 59, which permits earlier intervention by prisons and jails when a prisoner refuses to eat and/or consume liquids. The bill allows prisons and jails to hold a due process hearing by a panel made up of two medical representatives, either a physician, physician's assistant or nurse practitioner and a staff member of the jail or prison. The hearing panel would determine whether involuntary feeding and/or hydrating the prisoner would reduce the chance of the prisoner doing long-term damage to themselves. Previously, prisons and jails had to wait for a court order to feed or hydrate an inmate on a hunger strike. The bill allows a prisoner to appeal the hearing panel's decision and requires an outside physician to review the case if forced feeding or hydration continues for more than ten days.

House Bill 1071 extends the time a sentencing judge retains jurisdiction for the purposes of suspending or reducing the sentence from one to two years. The change means people will be able to appeal to the judge that sentenced them for a reduction in sentence for up to two years from the date of sentence.

Two other bills relate to juvenile offenders. Senate Bill 57 establishes an intensive residential treatment center as a category of a child welfare agency. The Department of Social Services is in the process of promulgating rules on the new category. It's hoped that intensive residential treatment center standards will allow private providers to create programs that could allow more youth to remain in state to receive the specific services they need.

Senate Bill 178 allows for the creation of county interdisciplinary teams to share information on at-risk juveniles in order to provide earlier intervention to the youth. The teams may be made up of law enforcement, prosecutors, school administrators, staff members from the Department of Social Services as well as Department of Corrections.