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TO: Law Enforcement and Interested Persons

FROM: Charles D. McGuigan, Chief Deputy Attorney General 

RE: **Legislation Passed in 2017**

The 2017 South Dakota Legislature considered 390 pieces of legislation. The House introduced 211 bills and the Senate introduced 179 bills. The Governor signed 219 bills into law. The Governor vetoed five bills and the Legislature did not override any of the Governor's vetoes.

The Attorney General requested the introduction of six pieces of legislation during the 2017 Legislative Session. The Legislature adopted five of the bills and the Governor signed all five bills into law. **SB 24** would have classified vehicular homicide as a crime of violence. This bill did not pass the Senate. **SB 25** provides for the release of certain booking photographs. **SB 26** revises the State Automated Victim Information and Notification System (SAVIN). **SB 27** prohibits certain direct conflicts of interest making a violation a form of theft. It also exempts a violation from presumptive probation and it provides whistleblower protection. **SB 28** revises the exceptions to presumptive probation and adds several new offenses which are not subject to presumptive probation. **SB 29** provides for the use of mobile breath alcohol testing in the 24/7 Sobriety Program. The Attorney General also worked with Representative Haggar to introduce **HB 1142** which would have revised the penalty for vehicular homicide making it a Class 2 felony. The House Judiciary Committee amended this bill so that the bill clarified that first degree manslaughter is an option and can be charged in the alternative to vehicular homicide. This bill also failed to pass the Senate.

During the 2017 Legislative Session, the Office of Attorney General monitored 83 bills, supported 13 bills and opposed 10 bills.

The following bills will become law on July 1, 2017, unless noted otherwise:

SB 1 – Revises certain provisions of the Prescription Drug Monitoring Program. This bill will allow the linking of the central repository into electronic health records so information can be exchanged seamlessly. The bill changes the current requirement to submit information at least once a week to at least every 24 hours. Finally, the bill requires that any person who has a drug registration to prescribe or dispense any controlled substance within the state must register with the program except for veterinarians.

SB 4 – Requires the Board of Pharmacy to report to the Legislature regarding monitoring and use of opioids in the state. This bill requires the Board of Pharmacy to report to the Legislature the number of opioid prescriptions from the prior three years and include an update to any changes or advances made to the Prescription Drug Monitoring Program.

SB 16 – Revises certain provisions regarding a violation for an escape from certain facilities, programs or services located outside the penitentiary. This bill allows for such an escape to be charged as either a first degree escape in violation of SDCL 22-11A-2 or a second degree escape in violation of SDCL 22-11A-2.1.

SB 22 – Exempts certain unmanned aircraft systems from the requirements to be registered as aircraft. This bill exempts unmanned aircraft systems that weigh less than 55 pounds.

SB 25 – Provides for the release of certain booking photographs. This bill will allow for the release of a criminal booking photograph for a crime classified as a felony. The felony booking photo is a public record for six months from the date it was taken.

SB 26 – Revises the State Automated Victim Information and Notification System. This bill amends five code sections to streamline and improve SAVIN. The bill also allows victims or interested parties to register directly through the SAVIN system instead of having to advise the prosecutor or the Department of Corrections.

SB 27 – Prohibits certain direct conflicts of interest by public officials and provides a penalty. This bill prohibits any public official from knowingly using funds or property that has been entrusted to the public official in violation of the public trust and that results in the direct financial benefit to the public official. A violation of this act will be a form of theft and the penalty will be tied

to the theft penalties. The bill also contains a whistleblower provision and excludes a violation from the presumptive probation requirement.

SB 28 – Revises exceptions to presumptive probation. This bill was brought by the Attorney General at the request of the Smart on Crime Task Force. The bill excludes three offenses from the presumptive probation requirement. Those crimes are possession of a firearm by a person with a prior violent crime conviction or certain drug related offenses, assault by an adult prisoner in a county or a municipal jail by intentionally causing contact with bodily fluids or human waste (sliming) and promoting prostitution of a minor.

SB 29 – Provides for the use of mobile breath alcohol testing in the 24/7 Sobriety Program. This bill will allow for the use of new technology in the 24/7 Sobriety Program. Specifically the bill will allow for the use of mobile breath alcohol testing and establishes appropriate fees for the use of the devices.

SB 40 – Revises the start date of driver's licenses suspension, revocation and disqualification periods. The bill clarifies that the period begins on the date ordered by the court or on the date specified in the notice from the Department of Public Safety, whichever date is earlier.

SB 41 – Revises certain electronic driver's license reinstatement requirements.

SB 43 – Makes an appropriation to expand intensive methamphetamine treatment services within the Department of Social Services and to declare an emergency. This bill provides an additional \$603,740 for expansion of the intensive methamphetamine services. Because the bill contained an emergency clause, this appropriation became effective with the Governor's signature on March 15th, 2017.

SB 54 – Revises certain provisions requiring campaign finance requirements. The bill also standardizes many of the possible penalties for violating so that first violations will be a Class 2 misdemeanor and subsequent violations a Class 1 misdemeanor.

SB 68 – Revises certain alcoholic beverage sampling provisions. This bill repeals the restriction that no more than three varieties of malt beverages, three varieties of wine and three varieties of distilled spirits may be offered for sampling in any one day and the requirement that no more than three samples may be offered or dispensed to any individual. The samples shall be provided on the premises of a retailer licensed to sell the beverage.

SB 79 – Revises certain provisions regarding the display of motorcycle license plates. This bill will allow a motorcycle plate to be mounted in any visible manner other than upside down.

SB 80 – Regulates the use of drones under certain conditions and provides a penalty. The bill defines a drone under state law and requires that the operation of a drone comply with FAA requirements. The bill prohibits the operation of a drone over the grounds of a prison, correctional facility, jail, juvenile detention facility or any military facility. A violation will be a Class 1 misdemeanor. The bill makes it a Class 6 felony to use a drone to deliver contraband. Finally, the bill makes it a Class 1 misdemeanor to use a drone to intentionally photograph, record or otherwise observe a person in a private place where the person has a reasonable expectation of privacy or to land a drone on the land of another person without permission. The bill exempts drones operated for commercial or agricultural purposes in compliance with FAA regulations and exempts drones operated for emergency management purposes.

SB 81 – Prohibits the manufacture, sale or possession of alcohol in a powdered condensed or other concentrated form. A violation would be a Class 1 misdemeanor.

SB 82 – Revises certain provisions regarding the review of juvenile corrections. The bill requires the Department of Corrections to compile a confidential report of all allegations of abuse and neglect of individuals under their jurisdiction within private contract facilities.

SB 83 – Revises certain provisions relating to the criteria for informal adjustment for any apparent child in need of supervision. The bill amends SDCL 26-7A-11.1 to also include child in need of supervision.

SB 84 – Provides for the suspension of the probationary period for juvenile probationers under certain conditions. The bill allows for the suspension of a juvenile’s probationary period if the juvenile absconds from supervision, a petition to modify or revoke probation is filed, or a probation violation is reported during any pending court proceeding related to the filing of the violation report.

SB 86 – Revises certain provisions regarding the deposit of county funds. This bill modifies SDCL 7-20-1 which restricts a county to deposit county funds in a state or national bank within the county. This bill will allow for the deposit of the county funds in a state or national bank within South Dakota.

SB 90 – Repeals certain provisions related to certain prior statements of a witness subject to discovery and to establish the rational and effect of the repeal. This bill repeals SDCL 23A-13-10. The bill is in response to the court’s recent decision in *State v. Horned Eagle*, 2016 SD 67. The repeal is subject to the Supreme Court’s adoption of a new rule substantially similar to Federal Rule of Criminal Procedure 26.2(f).

SB – 95 – Add Cannabidiol to the list of Schedule IV controlled substances and to exclude it from the definition of marijuana. This bill will exempt from the definition of Marijuana Cannabidiol, if it is approved by the United States Food and Drug Administration. If Cannabidiol is FDA approved, the bill will automatically schedule it as a Schedule IV controlled substance under state law.

SB 102 – Requires that the name and telephone number of an organization fighting to end sex trafficking be given, in writing, to any woman seeking an abortion.

SB 103 – Revises certain provisions concerning the process for truancy citations and formal petitions and declares an emergency. The bill will allow juveniles receiving a citation for a juvenile cited violation to be referred for an informal adjustment or to a court approved juvenile diversion program. The bill will also allow for a school official to file a report with the state’s attorney in lieu of a citation. If a juvenile fails to appear on a citation or fails to comply with the terms, the court may grant the state’s attorney permission to file a petition. Because the bill contained an emergency clause, it became law with the Governor’s signature on March 13, 2017.

SB 117 – Increases accountability in South Dakota’s criminal justice system. This bill resulted from the Governor’s Smart on Crime Task Force. The bill calls for the revision of the sanction grids to require a minimum sanction of some period of incarceration for a positive UA. Section 2 of the bill will allow a court to receive a plea of guilty to felony ingestion or possession of a controlled substance and then without entering a judgment of guilt, defer the imposition of sentence, and place the defendant on probation conditioned on the defendant’s successfully completing a drug and alcohol evaluation and any recommended treatment. If after one year, defendant has successfully completed treatment and complied with all terms and conditions of probation, the court shall dismiss the felony charge and allow defendant to plead to a Class 1 misdemeanor ingestion or possession. If the defendant violates, the court shall revoke the deferred imposition of sentence and impose and execute the felony sentence. A defendant may only receive one deferred imposition of sentence. The bill will allow supervision to be terminated and a defendant to be discharged if a probationer or a parolee meets certain criteria including completion of treatment and compliance with all other conditions of release and has been on supervision for a minimum twelve full continuous calendar months. The bill requires UJS and DOC to annually submit a report to the oversight council which includes aggregate statistics on the number of probation or parole infractions and the sanction for each. The report shall also include a summary of the incentives given to probationers or parolees under supervision. The bill requires the Interstate Drug Trafficking Task Force to quarterly submit a report to include statistics on a number of arrests made by the Task Force, the underlying felonies for those arrests and the amount of

drugs seized by the Task Force. Finally, the bill requires prosecutors to receive training on evidence based practices, mental health and available mental health services.

SB 128 – Provides an exception for alcohol manufacturers and wholesaler licensees to participate in certain retail events and declares an emergency. This bill allows a manufacturer licensee and a wholesaler licensee to pour or serve alcoholic beverages at certain events conducted by civic organizations, charitable organizations, educational organizations, fraternal organizations, or veterans' organizations. Because the bill contained an emergency clause, it became law with the Governor's signature on March 14, 2017.

SB 131 – Revises certain provisions concerning the period of time certain persons are prohibited from lobbying after leaving office. The bill amends SDCL 2-12-8.2 to prohibit elected officers, department or agency heads, division directors, or the highest paid employee reporting to such persons from lobbying during a period of two years after termination of service in state government. A violation is a Class 1 misdemeanor.

SB 136 – Permits and regulates the practice of licensed certified professional midwives. The bill along with its companion bill, SB 61, will allow the practice by midwives in certain circumstances.

SB 143 – Creates an off-sale delivery license and allows certain off-sale licensees to deliver alcohol. The alcohol for delivery shall be purchased in person and on-site at the licensee's off-sale premises. The minimum purchase of alcohol shall be \$150. The delivery shall be made during hours of operation by an employee of the licensee who is at least 21 years old.

SB 151 – Provides certain provisions regarding investigations of misconduct by certain public officials. The bill will allow for the filing of a sworn affidavit alleging a violation of the campaign finance requirements, misconduct, breach of statutory duty or malfeasance. If the Secretary of State believes that probable cause exists that a violation has occurred, the Secretary of State may commence a contested case procedure to remedy the violation or impose a civil penalty. The Secretary of State may also refer the complaint to the Division of Criminal Investigation. A person may also file a sworn affidavit with the Division of Criminal Investigation alleging fraud by a public official, bribery or an intentional violation of any limit on gifts. If DCI has cause to believe that a criminal violation has occurred, DCI may refer the matter to a state's attorney or to the Attorney General for prosecution. If DCI finds insufficient facts to support a criminal prosecution, DCI may determine no further action is required or refer the matter to Government Operations and Audit Committee, the Secretary of State or the Judicial Qualifications Commission. Any person who makes a false allegation under this act, commits a Class 2 misdemeanor. This bill was brought in response to the repeal of IM22.

SB 171 – Establishes the Government Accountability Task Force to study campaign finance and declares an emergency. The bill creates an eleven member task force to examine the issues of campaign finance and to propose potential legislation. The bill contained an emergency clause so it became effective with the Governor’s signature on March 14, 2017. The bill is in response to the repeal of IM22.

SB 176 – Preserves the use of public land, ensures free travel, enhances emergency response and declares an emergency. This bill will allow the Governor and the Sheriff to prohibit any group larger than 20 persons from congregating upon public lands if necessary to preserve the undisturbed use of the land or if the land may be damaged by the activity. The bill will allow the Chief Justice of the Supreme Court to waive any licensure requirement and admit any attorney licensed in another jurisdiction for a period not to exceed one year for the limited purpose of defending any defendant charged in a county that is experiencing significant increase in criminal cases. The bill allows the Department of Transportation to adopt rules prohibiting persons from standing or congregating on any highway or highway right-of-way if their presence is dangerous to the use of the highway or interferes with the free movement of traffic and allows the Secretary of Transportation to establish temporary zones and to provide signs for those zones. The bill makes it a Class 1 misdemeanor for any person to stand upon the paved or improved traveled portion of the any highway with the intent to impede or stop the flow of traffic. The bill makes it a Class 1 misdemeanor for any person to defy an order or enter an area declared off limit under the emergency management provisions of SDCL 34-48A. The bill contained an emergency clause so it became law with the Governor’s signature on March 13, 2017.

SB 179 – Revises the length of the maximum probationary period for juvenile probationers. On the final day of session, veto day, the Legislature suspended the rules and introduced SB 179. The bill extends many of the juvenile probation periods by two-to-four months and in a few limited circumstances, by up to six months.

HB 1001 – Revises certain provisions regarding prison or jail population costs estimates. This bill exempts amendments or bills which impose a Class 2 misdemeanor.

HB 1006 – Revises certain requirements for a public notice of a public meeting. The bill requires state boards and commissions to post the proposed agenda in a place visible, readable and accessible to the public at least 72 hours before the meeting is scheduled to start. The 72 hours does not include the day the agenda is posted nor Saturday, Sunday or legal holidays. For rulemaking by part-time citizen boards, commissions, committee or task force, persons submitting written comments to proposed rules must submit the comments at

least 72 hours before the public hearing. The 72 hours does not include the day of the public hearing. The written comments may be submitted by mail or e-mail. The record of written comments may be closed at the conclusion of the public hearing.

HB 1007 – Revises certain provisions regarding inspection affidavits for amusement rides. The bill removes the requirement that such an affidavit be filed with the state.

HB 1020 – Authorized background investigations for current and potential employees of the Bureau of Information and Telecommunications and information technology contractors and subcontractors.

HB 1025 – Revises certain provisions regarding background checks for applicants, licensees, vendors and employees of the South Dakota Lottery.

HB 1026 – Requires tracking numbers to be included on the quarterly reports of direct shippers and of wine carriers.

HB 1027 – Allow two-wheeled off-road vehicles that meet certain requirements to be registered and licensed. The bill will allow any off-road vehicle with two-wheels and with a combustion engine having a piston or rotor displacement of 120 cubic centimeters or more to be licensed as a motorcycle. The bill still prohibits such a vehicle from being operated on the interstate highway system.

HB 1028 – Revises certain provisions regarding the interception of certain communications. This bill updates South Dakota's existing wiretap provisions to reflect current technology and to allow for the capture of an electronic communications or communications made by an electronic device.

HB 1029 – Update references to certain federal motor carrier regulations.

HB 1030 – Implements certain vehicle size and weight provisions required by federal law. The bill allows tow-truck operators to exceed weight limits and be exempt from a permit requirement if responding to a highway emergency. A tow-truck operator may tow or haul and exceed weight limits to the operator's principal place of business. The bill prohibits single steer automobile transports from extending more than four-feet beyond the front bumper bed or body of the vehicle or six-feet beyond the rear bumper bed or body of the vehicle. The bill adopts a new section which prohibits combination vehicles consisting of a towing vehicle and two trailer or semi-trailers transporting light duty and medium duty trailers constituting inventory property of a manufacturer, distributor or dealer from exceeding 82 feet in length. The gross weight of the combination of vehicles may not exceed 26,000 pounds. Neither the power unit, nor the trailers or semi-trailers may transport additional property for delivery when used for this purpose.

HB 1033 – Authorizes criminal background checks for certain executive branch employees, state contractors and subcontractors who access confidential information obtained from the United States Internal Revenue Service.

HB 1041 – Places certain substances on the controlled substance schedule and declares an emergency. This bill is the annual bill from the Department of Health that modifies South Dakota’s controlled substance schedules to reflect the federal controlled substance schedules. The bill adds two new synthetic drugs to Schedule 1. This bill also adds an opioid pain reliever to Schedule II and a depressant to Schedule IV. The bill contained an emergency clause so it became law upon the Governor’s signature on February 9, 2017.

HB 1052 – Provides certain protections for public employees. This bill enacts a whistleblower provision to protect employees from retaliatory action taken because the employee reports in good faith to an appropriate authority, a violation or suspected violation of a law or rule, an abuse of funds or abuse of authority or substantial and specific danger to public health or safety.

HB 1055 – Revises certain provisions regarding the need for a driver’s license permit to operate certain motor vehicles. This bill will allow someone to operate a motor vehicle that has three wheels but is operated with a steering wheel and foot controls with an ordinary driver’s license. A motorcycle endorsement will no longer be necessary.

HB 1056 – Authorizes law enforcement officers to issue certain citations not signed under oath. This bill will allow a law enforcement officer to issue misdemeanor and felony citations and in lieu of signing a complaint under oath, they may sign a statement printed or written a uniform traffic ticket stating “I declare and affirm under the penalties of perjury that this complaint or summons has been examined by me and of the best my knowledge and belief, is in all things true and correct.”

HB 1066 – Revises certain provisions regarding permits for the sale of certain trailers, motorcycle and other vehicles. The bill extends some existing 10 day periods to 15 day periods for temporary permits.

HB 1069 – Repeal and revise certain provisions related to campaign finance and to declare an emergency. This bill repealed the provisions of IM22.

HB 1073 – Revises and repeals certain provisions regarding gifts from registered lobbyist to public officials. The bill prohibits a public official from accepting gifts with a cumulative value greater than \$100 during any calendar year. A violation will be a Class 1 Misdemeanor. This bill was passed in response to the repeal of IM22.

HB 1076 – Creates a State Government Accountability Board. The bill creates a State Government Accountability Board composed of four retired Circuit Court Judges or Supreme Court Justices. The Board will have the authority to review and investigate any person holding a statewide office or employee of the executive branch of state government. The Board will be able to investigate allegations of impropriety, conflicts of interest, direct or indirect interests and contracts in violation of the law, malfeasance, misappropriations of public funds, use of false instruments, theft or embezzlement of public funds, bribery or use of public funds not authorized by law. Citizens may file information or complaints directly with the board and the board may refer the information to the Division of Criminal Investigation for investigation. If reasonable cause exists to believe that a crime has been committed, the matter may be referred to the State’s Attorney or to the Attorney General for prosecution. The Board may also hold a contested case hearing and issue public or private reprimands, direct persons to engage in course work or community service or make specific recommendations to the Governor. This bill was passed in response to the repeal of IM22.

HB 1082 – Grants limited immunity from arrests and prosecution for certain related offenses to persons who assist certain persons in a need of emergency assistance or who are themselves in need of emergency assistance. This bill expands last year’s Good Samaritan bill involving alcohol to include drug related overdoses. The bill prohibits a person from being arrested or prosecuted if that person contacts law enforcement or emergency medical services to report a person in need of emergency medical assistance. It also allows for the use of providing first aid or other medical assistance as a mitigating factor in a criminal prosecution. The immunity granted by this bill may only be used once.

HB 1087 – Authorizes the recovery of attorney fees and civil actions relating to highway obstructions. The bill will allow governmental entities to request a reasonable amount of attorney fees if the governmental entity needs to bring a civil action regarding certain highway obstruction cases.

HB 1088 – Revises certain provisions regarding required stops at railroad crossings. The bill clarifies that the current requirement that a vehicle stop for a train also applies to other on track equipment.

HB 1091 – Modifies certain provisions relating to concealed carry permits. The bill will allow the holder of a regular concealed carry permit to renew the permit through the sheriff for a period beginning 90 days before the permit expires.

HB 1098 – Revises certain provisions regarding the notice requirements of county commissions in authorizing installation of utility lines along and across highways. The bill requires notice to any public entity having jurisdiction and supervision over the involved highway.

HB 1100 – Allows law enforcement to initiate a mental illness hold in domestic abuse situations. The bill allows law enforcement responding to a domestic abuse situation to initiate a mental illness hold if law enforcement believes the perpetrator has a severe mental illness that makes the person an imminent danger to self or others. The bill also clarifies that this is not a substitution for a mandatory arrest under the domestic abuse statutes.

HB 1101 – Increase the penalty for performing an abortion of an unborn child capable of feeling pain. This bill increases the penalty from a Class 1 misdemeanor to a Class 6 felony.

HB 1110 – Revises certain provisions regarding school bus stop violations. The bill lowers the speed limit at which permissible passing may occur from 20 miles per hour to 15 miles per hour. The bill also clarifies what is meant by two or more lanes of travel and clarifies that a lane designated solely for the purposes of turning is not considered a lane of travel.

HB 1113 – Revises certain provisions regarding protection orders. The bill expands the definition of a person involved in a relationship to include significant romantic relationships occurring within the past 12 months with the abusing party.

HB 1117 – Revises certain provisions regarding golf carts on state highways.

HB 1118 – Eliminates the need to prove the use of force, fraud or coercion in the human trafficking of minors. The bill amends SDCL 22-49-1 so that if the victim is under 18 years of age, the crime of human trafficking does not need to involve force, fraud or coercion.

HB 1124 – Exempts a person with a commercial driver's license from the requirement to have a hazardous materials endorsement on the license under certain conditions. The bill creates exemptions for custom harvesters operating a service vehicle transporting diesel fuel in quantity of 1,000 gallons or less.

HB 1127 – Revises the procedure for a deployed military service member to renew a concealed carry permit. The bill authorizes the Secretary of State to develop an application form that members of the military on active duty assignment can use to renew their regular concealed carry permit if they are unable to return to South Dakota.

HB 1143 – Revises certain provisions regarding underage prostitution. The bill limits prostitution charges to persons who are 16 years or older.

HB 1144 – Revises certain provisions regarding commercial driver's license disqualification for refusing to submit to a chemical analysis. The bill clarifies that the holder of a commercial driver's license may refuse to submit to a chemical analysis unless a warrant for the chemical analysis is issued.

HB 1147 – Revises certain provisions regarding concealed carry permits and declares an emergency. For both the enhanced carry permit and for the gold card permit, the bill requires a person seeking a renewal to pass a fingerprint background check and a National Instant Criminal Background Check System (NICS) background check. The bill allows persons who received an enhanced concealed carry permit issued from July 1, 2015, to December 31, 2016, to submit to an additional fingerprint background check and a National Instant Criminal Background Check System (NICS) background check and if they pass, the sheriff shall submit an authorization to reissue the persons concealed carry permit and the reissued permit shall be valid for a period of five years. The bill contained an emergency clause so it became effective with the Governor's signature on March 10, 2017.

HB 1155 – Revises the penalty for aggravated assault with the intent to disfigure the victim. The bill creates a Class 2 felony for any person who assaults another with the intent to cause serious permanent disfigurement and causes serious permanent disfigurement. The bill also allows assault with intent to cause permanent disfigurement to be charged in the alternative to aggravated assault.

HB 1159 – Repeals certain provisions regarding the regulation of commercial breeding operations. The bill repeals SDCL 40-1-41 which required a veterinarian to attend any portion of an investigation of a commercial breeding operation.

HB 1161 – Repeals the requirement for certain township, municipal and school district fiscal reports to be submitted to county auditors.

HB 1165 – Provides for annually updated financial interest statements for any person elected to statewide or local office. This bill was passed in response to the repeal of IM22.

HB 1170 – Revises certain provisions regarding conflicts of interest for board or commission members. The bill makes numerous changes to the current reporting requirements for governmental boards that currently exists under SDCL Ch. 3-23. This bill was brought, at least in part, as a result of the repeal of IM22.

HB 1174 – Revises certain provisions concerning how stop lamps shall be mounted and displayed on vehicles.

HB 1183 – Provides and revises certain provisions regarding mental health procedures and criminal justice, makes an appropriation and declares an emergency. The bill requires the South Dakota Sheriff's Association to develop a jail mental health screening pilot program. The pilot program shall include four jails. The Sheriff's Association shall coordinate training for jails to administer the jail mental health screening tool and develop a process to implement the mental health screening tool. The bill requires each jail to report annually to the oversight counsel, the number of persons screened, the number and percentage of positives screening. The bill requires any jail using a mental health screening tool to provide the screening results to the committing court. The Department of Social Services shall create a crisis services grant program. The bill requires prosecutors to receive training on evidence based practices, mental health and available mental health services. The bill allows the court to require defendant to complete a mental health assessment by a specified date and follow any treatment recommendations as a condition of release. If a court has imposed conditions of release that required a defendant to follow treatment recommendations, the provider of those treatment services shall report any non-compliance to the court. The bill requires the Unified Judicial System to collect and report certain mental health information. It allows the Association of County Commissioners to create and administrator a fund for the purpose of assisting counties with the cost of competency evaluations. The bill will require a competency evaluation to be completed within 21 days of the court order unless the court grants a continuance for good cause. The bill expands the mental health professionals who can conduct a psychiatric or psychological examination and requires each licensing board to maintain a list of licensed professionals with the authority to conduct competency evaluations. The bill allows for the creation of mental health response teams and authorizes the presiding judge of each circuit to appoint one or more mental health response teams. The bill creates additional mental health training for defense attorneys and correctional officials and the judiciary. The bill also creates an oversight counsel to oversee the implementation of this act and grants 20 powers and duties to the oversight counsel. Because of an emergency clause, portions of the act became effective with the Governor's signature on March 15, 2017. However, portions of the act are not effective until July 1, 2017, and seven sections of the act will not become effective until July 1, 2018.

HB 1211 – Provides for a grace period after the expiration of a permit and a warning ticket for carrying a concealed pistol while in possession of an expired permit. This bill creates a 60 day grace period to renew a concealed carry permit and states that person does not violate SDCL 22-14-9 during this 60 day grace period. The bill does allow law enforcement to issue a warning ticket to a person during the grace period. The grace period does not apply to any

permit holder who committed a crime that would make it unlawful for the permit holder to own or possess a gun or a permit who attempted to renew the permit but was denied for the renewal for a reason set forth in state law.

Please feel free to contact me if you need additional information. You can access all of the bills introduced by the 2017 Legislature at the South Dakota Legislative Research Council website. The web address for the 2017 Session is at this location:

http://sdlegislature.gov/Legislative_Session/Default.aspx?Session=Ninety-Second