

State of South Dakota

EIGHTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2010

398R0379

SENATE BILL NO. 156

Introduced by: Senators Gray, Merchant, Olson (Russell), and Tieszen and Representatives Schlekeway, Bolin, Conzet, Fargen, Hoffman, Kopp, Lederman, Lucas, Moser, Olson (Betty), Romkema, Rounds, Russell, Sorenson, Steele, Vanneman, and Verchio

1 FOR AN ACT ENTITLED, An Act to require that determinations in both adult and juvenile
2 court proceedings relative to a controlled substance violation of a high school student
3 participating in extracurricular activities be reported to the South Dakota High School
4 Activities Association and to the school administrator.

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

6 Section 1. That § 13-32-9 be amended to read as follows:

7 13-32-9. Any person adjudicated, convicted, the subject of an informal adjustment or court-
8 approved ~~juvenile~~ diversion program, or the subject of a suspended imposition of sentence for
9 possession, use, or distribution of controlled drugs or substances or marijuana as defined in
10 chapter 22-42, or for ingesting, inhaling, or otherwise taking into the body any substances as
11 prohibited by § 22-42-15, is ineligible to participate in any extracurricular activity at any
12 secondary school accredited by the Department of Education for one calendar year from the date
13 of adjudication, conviction, diversion, or suspended imposition of sentence. The one-year
14 suspension may be reduced to sixty school days if the person participates in an assessment with



1 a certified chemical dependency counselor or completes an accredited intensive prevention or
2 treatment program. If the assessment indicates the need for a higher level of care, the student
3 is required to complete the prescribed program before becoming eligible to participate in
4 extracurricular activities. Upon a subsequent adjudication, conviction, diversion, or suspended
5 imposition of sentence for possession, use, or distribution of controlled drugs or substances or
6 marijuana as defined in chapter 22-42, or for ingesting, inhaling, or otherwise taking into the
7 body any substances as prohibited by § 22-42-15, by a court of competent jurisdiction, that
8 person is ineligible to participate in any extracurricular activity at any secondary school
9 accredited by the Department of Education. Upon such a determination in any ~~juvenile~~ court
10 proceeding the Unified Judicial System shall give notice of that determination to the South
11 Dakota High School Activities Association and the chief administrator of the school in which
12 the person is participating in any extracurricular activity.

13 Upon placement of the person in an informal adjustment or court-approved ~~juvenile~~
14 diversion program, the state's attorney who placed the person in that program shall give notice
15 of that placement to the South Dakota High School Activities Association and chief
16 administrator of the school in which the person is participating in any extracurricular activity.

17 As used in this section, the term, extracurricular activity, means any activity sanctioned by
18 the South Dakota High School Activities Association.