

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

448D0703

HOUSE ENGROSSED NO. **HB1239** - 2/7/00

Introduced by: Representatives Fischer-Clemens, Brown (Jarvis), Chicoine, Davis, Haley, Klaudt, Koehn, Koetzle, Kooistra, Lockner, Lucas, McIntyre, Patterson, Waltman, and Wilson and Senators Hutmacher, Brown (Arnold), Daugaard, Dunn (Rebecca), Duxbury, and Flowers

1 FOR AN ACT ENTITLED, An Act to limit the use of mechanical restraints in juvenile
2 correctional facilities.

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

4 Section 1. That chapter 26-11A be amended by adding thereto a NEW SECTION to read
5 as follows:

6 No agent or employee of the Department of Corrections may use or employ restraints upon
7 a juvenile committed to the Department of Corrections except:

- 8 (1) To prevent imminent bodily harm;
- 9 (2) As a precaution against escape or to prevent an escape;
- 10 (3) To prevent imminent property damages; or
- 11 (4) When reasonable under emergency circumstances.

12 For purposes of this Act, restraints are handcuffs, legcuffs, restraint belts, and tethers made
13 of fabric, metal, plastic, or leather; restraint boards, restraint chairs, swaddle beds, and
14 mechanisms to secure cuffs to a bed, restraint board, or chair.

15 Section 2. That chapter 26-11A be amended by adding thereto a NEW SECTION to read

1 as follows:

2 Any juvenile correctional officer shall complete three hours of instruction regarding domestic
3 abuse and domestic violence. The instruction content shall be approved by the corrections
4 commission established in § 1-15-1.13.

5 Section 3. That chapter 26-11A be amended by adding thereto a NEW SECTION to read
6 as follows:

7 The Department of Social Services shall reimburse the Department of Corrections for any
8 domestic abuse and domestic violence training as prescribed in section 2 of this Act. The
9 Department of Social Services shall use funding received from the Violence Against Women Act,
10 set out in Title IV of the Violent Crime Control and Law Enforcement Act of 1994.

1 **BILL HISTORY**

2 1/21/00 First read in House and referred to committee assignment waived. H.J. 178

3 1/24/00 Referred to State Affairs. H.J. 206

4 1/31/00 Scheduled for Committee hearing on this date.

5 1/31/00 State Affairs Do Pass, Passed, AYES 10, NAYS 3. H.J. 324

6 2/2/00 House of Representatives Deferred to another day. H.J. 370

7 2/3/00 House of Representatives Deferred to another day. H.J. 401

8 2/4/00 Motion to Amend, Passed, AYES 54, NAYS 11. H.J. 424

9 2/4/00 House of Representatives Do Pass Amended, Passed, AYES 57, NAYS 7. H.J. 425