

State of South Dakota

EIGHTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2010

400R0295

SENATE JUDICIARY ENGROSSED NO. **SB 54** 2/2/2010

Introduced by: The Committee on Judiciary at the request of the Department of Corrections

1 FOR AN ACT ENTITLED, An Act to revise certain procedures for the commencement of civil
2 actions by inmates.

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

4 Section 1. For the purposes of this Act, the term, prisoner, means any person incarcerated
5 or detained in any facility who is accused of, convicted of, sentenced for, or adjudicated
6 delinquent for violations of criminal law or the terms of parole, probation, pretrial release, or
7 diversionary program.

8 Section 2. No civil action may be brought by any prisoner confined to any jail, prison, or
9 other correctional facility until such administrative remedies or grievance procedures as are
10 available are exhausted. Compliance with this section does not toll any applicable statutory
11 notice period or statute of limitations.

12 Section 3. The failure to adopt or adhere to an administrative remedy or grievance procedure
13 does not constitute the basis for any action or relief.

14 Section 4. No civil action may be brought by a prisoner confined in a jail, prison, or other
15 correctional facility for mental or emotional injury suffered in custody that is not caused by a



1 physical injury.

2 Section 5. A court shall, on its own motion or on the motion of a party, dismiss any action
3 brought with respect to prison conditions by a prisoner confined to any jail, prison, or other
4 correctional facility if the court determines that the action is frivolous, malicious, fails to state
5 a claim upon which relief can be granted, or seeks relief from a defendant who is immune from
6 such relief. A court may dismiss an action pursuant to this section without first requiring the
7 exhaustion of administrative remedies.

8 Section 6. The provisions of this Act do not apply to proceedings pursuant to chapter 21-27
9 or to any civil action that does not arise from the terms or conditions of a prisoner's
10 confinement.