

# State of South Dakota

NINETY-FIRST SESSION  
LEGISLATIVE ASSEMBLY, 2016

200X0327

## SENATE BILL NO. 55

Introduced by: The Committee on Judiciary at the request of the Chief Justice

1 FOR AN ACT ENTITLED, An Act to revise certain provisions relating to the HOPE probation  
2 program.

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

4 Section 1. That § 16-22-8 be amended to read:

5 16-22-8. The Supreme Court is authorized to establish ~~two~~ South Dakota HOPE ~~court~~ pilot  
6 probation programs in any court that has jurisdiction over criminal cases.

7 Section 2. That § 16-22-9 be amended to read:

8 16-22-9. The Supreme Court shall establish rules pursuant to § 16-3-1 for ~~such~~ pilot the  
9 programs consistent with the following components, modeled after the national HOPE court  
10 initiative:

11 (1) Involvement and commitment of criminal justice officials including judges, state's  
12 attorneys, defense attorneys, law enforcement, court services officers, and treatment  
13 providers;

14 (2) Eligibility criteria focused on offenders with a high risk to reoffend, without  
15 consideration of the current offense;



- 1       (3)   Judicial involvement in setting and communicating to the probationer program
- 2           expectations and consequences for noncompliance;
- 3       (4)   Frequent, effective, and randomized drug and or alcohol testing;
- 4       (5)   Swift, certain, and proportional sanctions for noncompliance with program
- 5           conditions;
- 6       (6)   Swift and certain warrant service for absconding; and
- 7       (7)   Compilation, evaluation, and publicly reported program results.

8       Section 3. That § 16-22-10 be amended to read:

9       16-22-10. Each ~~pilot~~ program shall be evaluated for the impact on public safety outcomes.

10      The Unified Judicial System shall report performance measures for the ~~pilot~~ programs

11      semiannually to the oversight council.