



2024 South Dakota Legislature

House Bill 1087

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

1 **An Act to modify the definitions of a child in need of supervision and a delinquent**
 2 **child.**

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

4 **Section 1. That § 26-8B-2 be AMENDED:**

5 **26-8B-2.** For purposes of this chapter, a child in need of supervision is a child:

- 6 (1) Of compulsory school age who is habitually absent from school without legal
 7 excuse;
- 8 (2) Who has run away from home or is otherwise beyond the control of the child's
 9 parent, guardian, or custodian;
- 10 (3) Whose behavior or condition endangers the child's own welfare or the welfare of
 11 others;
- 12 (4) Who has violated any federal or state law or regulation or local ordinance for which
 13 there is not a penalty of a criminal nature for an adult, other than a violation of
 14 ~~subdivision 34-46-2(2)~~ or a petty offense;
- 15 (5) Who has violated § 32-23-21 or 35-9-2; or
- 16 (6) Who engages in prostitution by offering to engage in sexual activity for a fee or
 17 other compensation.

18 **Section 2. That § 26-8C-2 be AMENDED:**

19 **26-8C-2.** In this chapter and chapter 26-7A, the term, "delinquent child," means
 20 any child ten years of age or older who, regardless of where the violation occurred, has
 21 violated any federal, state, or local law or regulation for which there is a penalty of a
 22 criminal nature for an adult, except state or municipal hunting, fishing, boating, park, or
 23 traffic laws that are classified as misdemeanors, ~~or~~ petty offenses, ~~or~~ any violation of ~~§ 35-~~
 24 ~~9-2 or~~ § 32-23-21, 35-9-2, or subdivision 34-46-2(2).