



2024 South Dakota Legislature

Senate Bill 47

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

1 **An Act to revise the incentive program for juvenile diversion opportunities.**

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

3 **Section 1. That § 26-8D-2 be AMENDED:**

4 **26-8D-2.** The Department of Corrections shall ~~develop~~ provide a fiscal incentive
5 program to incentivize county use of diversion opportunities. ~~Beginning on September 1,~~
6 ~~2016, any application for~~ To receive funding from the fiscal incentive program ~~shall be~~
7 ~~submitted, a county must submit an application~~ to the Department of Corrections
8 department before September first of each year ~~by a county~~. The fiscal incentive program
9 includes the following requirements:

10 (1) ~~An~~ The application ~~shall~~ must include data on the number of children annually
11 referred by the county to a diversion program, ~~as well as~~ and the number of ~~referred~~
12 ~~children~~ referred that successfully ~~completed~~ complete a diversion program. ~~In addition,~~
13 ~~each~~ For each child referred to diversion, the application ~~shall provide specific data about~~
14 ~~the children the county referred to diversion, including~~ must specify the type of program
15 or type of diversion the child was referred to, the name and location of each diversion
16 provider, and whether the child completed ~~a~~ the diversion program;

17 (2) ~~The~~ Each qualifying county shall receive an allotment of funds ~~shall be~~ based on
18 the number of children referred by ~~each~~ the county that complete a court-approved
19 diversion program at a rate of ~~two~~ seven hundred and fifty dollars per child. ~~That amount~~
20 ~~shall be prorated if~~ If the number of children completing a diversion program statewide
21 results in an amount that exceeds the allotted funds;

22 (3) ~~No county may receive any state funds provided by this section until its~~
23 ~~application has been received; and~~

24 (4) ~~Payments to counties shall be transferred,~~ the allotted amount for each county
25 must be prorated. The department shall transfer payments to counties on or about
26 November first each year.

- 1 The ~~Department of Corrections~~ department shall report data collected from
- 2 participating counties semiannually to the ~~oversight council~~ Juvenile Justice Oversight
- 3 Council.