



2023 South Dakota Legislature

Senate Bill 3

SENATE EDUCATION ENGROSSED

Introduced by: **Senators** Tobin, Reed, and Schoenfish and **Representatives** Deutsch, Healy, and Rehfeldt at the request of the Study Committee on Juvenile Justice

1 **An Act to require law enforcement notice to school officials when a student is**
 2 **suspected of violating state drug or alcohol laws or of threatening violence.**

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

4 **Section 1. That § 26-11-5.1 be AMENDED:**

5 **26-11-5.1.** Notwithstanding any other provision of law, a law enforcement agency
 6 ~~may~~shall provide notice of an incident within its jurisdiction to public or nonpublic school
 7 officials and to the parent or guardian of a school student if the incident is one in which
 8 the agency has probable cause to believe the school student has violated any provision of
 9 state law involving alcohol, illegal drugs, firearms, or bomb threats, or has made any
 10 threat of violence relating to any school or its students, employees, or property. However,
 11 if there is a prolonged criminal investigation and revealing information would jeopardize a
 12 successful conclusion to the case, the law enforcement agency may provide the notice at
 13 some later, appropriate time. The notice shall be in writing. The notice shall be
 14 confidential.