SOUTH DAKOTA

State legislatures consider and enact laws that address the administration and use of forensic science by state justice systems. Issues addressed in these measures include the delegation of oversight responsibilities for forensic services, accreditation standards for forensic laboratories, access to post-conviction DNA testing, the collection and analysis of DNA samples from arrested and convicted individuals and procedures for eyewitness identification. Following is information on this state's legislative activity on forensic science issues. More information on forensic science policy from all 50 states and the District of Columbia is available on the NCSL forensic science page.

Administration of State Forensic Services ..... §§ 23-3-19.1, 5A-1-32

The state administers its forensic services through the South Dakota Forensic Laboratory.

Convicted Offender DNA Analysis ..... §§ 23-5A-1, 4, 5

People convicted of any felony or sex crime misdemeanor must submit a DNA sample to state officials. Sample collection applies to juveniles.

Arrestee DNA Analysis ..... §§ 23-5A-5.2, 5A-1, 5A-28, 5A-16

People arrested for all felonies, crimes of violence or sex offenses, including misdemeanor sex offenses, must submit a DNA sample to state officials. The sample is collected at booking and is expunged upon request. Sample collection does not apply to juveniles. The Attorney General's office is required to make rules for collection, submission, identification, analysis, storage and disposition of samples.

Post Conviction DNA Analysis ..... § 23-5B-1

The state allows an individual convicted of a felony to apply for post-conviction DNA testing. Their application must assert that testing will show actual innocence. The testing must be reasonable in scope, use scientifically sound methods and be consistent with accepted forensic practices.