



## NEWS RELEASE

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### **Attorney General Jackley's Legislation to Combat Meth and Opioids Signed into Law**



**PIERRE, S.D.** - Attorney General Marty Jackley extends his appreciation to the South Dakota Legislature and Governor Dennis Daugaard for signing SB 63 and SB 65 into law that will strengthen enforcement for distribution and manufacture of methamphetamine and distribution of opioids in South Dakota.

“America is living a meth and opioid epidemic and it is directly affecting South Dakota families and communities. This legislation will give our men and women in law enforcement the tools they need to protect our communities and send the right message to drug dealers that South Dakota is off-limits,” said Jackley.

#### **Senate Bill 63**

- Increases the penalty for the distribution and manufacturing of 5 grams or more of methamphetamine that includes to minors.
- Provides for a mandatory state penitentiary sentence for the distribution and manufacture of methamphetamine or distribution of opioids. Current law provides for mandatory sentences that are not consistently applied.

- A court would have discretion to go below the mandatory sentence if the court makes written findings that a defendant meets the following criteria that are designed to protect communities and to assist law enforcement in stopping drug distribution:

- (1) the defendant does not have a prior violent felony
- (2) the defendant did not use violence or credible threats of violence or possess a firearm or other dangerous weapon
- (3) the defendant did not induce another participant to use violence or credible threats of violence or possess a firearm or other dangerous weapon in connection with the offense;
- (4) the defendant was not an organizer, leader, manager, or supervisor of others in the offense; and
- (5) the defendant has truthfully provided to the State all information and evidence the defendant has concerning illegal drugs;
- (6) the offense did not result in death or serious bodily injury to any person.

### **Senate Bill 65**

- Enhance penalties for persons who distribute and manufacture controlled substances when a person dies as direct result of using that substance
  - any person who for consideration intentionally and unlawfully distributes or manufactures a controlled substance and another person dies as a direct result of using that substance would have their sentence of the principal felony enhanced by two levels.