

State of South Dakota

NINETIETH SESSION
LEGISLATIVE ASSEMBLY, 2015

472W0404

HOUSE JUDICIARY ENGROSSED NO. **HB 1082** 02/11/2015

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.

Introduced by: Representatives Kaiser, Brunner, Greenfield (Lana), Kirschman, Latterell, May, Qualm, Schrempp, Soli, Stalzer, Verchio, and Wollmann and Senators Greenfield (Brock) and Olson

1 FOR AN ACT ENTITLED, An Act to allow a law enforcement officer to issue a citation
2 without a notary.

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

4 Section 1. That § 23-1A-5 be amended to read as follows:

5 23-1A-5. Any person may sign a petty offense complaint for an offense which occurred in
6 his presence. A petty offense complaint, ~~other than one issued by a law enforcement officer,~~
7 shall be signed under oath. It is sufficient if a law enforcement officer, in lieu of signing the
8 petty offense complaint under oath, signs the following statement printed or written on a
9 complaint or summons for a petty offense on a uniform traffic ticket: "I declare and affirm under
10 the penalties of perjury that this complaint or summons has been examined by me, and to the
11 best of my knowledge and belief, is in all things true and correct." Any person who signs this
12 statement as provided for in this section, knowing the statement to be false or untrue, in whole
13 or in part, is guilty of perjury.



1 Section 2. That § 23A-2-1 be amended to read as follows:

2 23A-2-1. A complaint is a written statement of the essential facts constituting an offense
3 charged. It must be signed under oath before a person authorized to administer oaths in the State
4 of South Dakota. It is sufficient if a law enforcement officer, in lieu of signing a complaint for
5 a Class 2 misdemeanor under oath, signs the following statement printed or written on a
6 complaint or summons on a uniform traffic ticket: "I declare and affirm under the penalties of
7 perjury that this complaint or summons has been examined by me, and to the best of my
8 knowledge and belief, is in all things true and correct." Any person who signs this statement as
9 provided for in this section, knowing the statement to be false or untrue, in whole or in part, is
10 guilty of perjury.