

State of South Dakota

EIGHTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2011

448S0593

SENATE JUDICIARY ENGROSSED NO. **SB 141** - 2/17/2011

Introduced by: Senators Tidemann, Brown, Cutler, Gray, Haverly, Johnston, Lederman, Olson (Russell), Rave, Rhoden, and Tieszen and Representatives Gibson, Abdallah, Blake, Boomgarden, Brunner, Feinstein, Gosch, Hawley, Munsterman, Perry, Wink, and Wismer

1 FOR AN ACT ENTITLED, An Act to grant limited immunity from arrest and prosecution for
2 certain alcohol consumption related offenses to persons who assist certain persons in need
3 of emergency assistance or who are themselves in need of emergency assistance.

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

5 Section 1. No person may be arrested and prosecuted for any misdemeanor offense of
6 underage consumption, open container, or public intoxication, arising out of underage
7 consumption of alcohol if that person contacts any law enforcement or emergency medical
8 services and reports that a person under twenty-one years of age is in need of emergency
9 medical assistance due to alcohol consumption. However, to acquire limited immunity from
10 arrest and prosecution pursuant to this Act, a person must:

- 11 (1) Assist the person in need of emergency medical assistance until assistance arrives;
12 and
13 (2) Remain and cooperate with medical assistance and law enforcement personnel on the



1 scene.

2 Section 2. No person, under the age of twenty-one years, may be prosecuted for any
3 misdemeanor offense of underage consumption, open container, or public intoxication, arising
4 out of underage consumption of alcohol if that person contacts any law enforcement or
5 emergency medical services and reports that he or she is in need of medical assistance due to
6 alcohol consumption. However, to acquire limited immunity from arrest and prosecution, the
7 person must remain on the scene and cooperate with medical assistance and law enforcement
8 personnel on the scene.