

State of South Dakota

EIGHTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2010

736R0588

SENATE BILL NO. 149

Introduced by: Senators Tieszen, Abdallah, Gillespie, and Gray and Representatives Cutler, Engels, and Hunt

1 FOR AN ACT ENTITLED, An Act to revise certain provisions providing for the method of
2 calculating subsequent DUI offenses.

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

4 Section 1. That § 32-23-4.1 be amended to read as follows:

5 32-23-4.1. No previous conviction for, or plea of guilty to, a violation of § 32-23-1, 22-18-
6 35, or 22-16-41 occurring more than ten years prior to the date of the violation being charged
7 may be used to determine that the violation being charged is a second, third, or subsequent
8 offense. However, any period of time during which the defendant was incarcerated for a
9 previous violation may not be included when calculating if the time period provided in this
10 section has elapsed.

11 Section 2. That § 32-23-4.5 be amended to read as follows:

12 32-23-4.5. Any conviction for, or plea of guilty to, an offense in another state which, if
13 committed in this state, would be a violation of § 32-23-1, 22-18-35, or 22-16-41 and occurring
14 within ten years prior to the date of the violation being charged, shall be used to determine if the
15 violation being charged is a second, third, or subsequent offense.



1 Section 3. That chapter 32-23 be amended by adding thereto a NEW SECTION to read as
2 follows:

3 For purposes of determining whether a conviction for a violation of § 32-23-1 is for a second
4 or subsequent offense, any conviction for a violation of § 22-18-35 or 22-16-41 counts as a
5 conviction of § 32-23-1.