

AN ACT

ENTITLED, An Act to revise certain provisions providing for the method of calculating subsequent
DUI offenses.

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

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

32-23-4.1. No previous conviction for, or plea of guilty to, a violation of § 32-23-1, 22-18-36, or 22-16-41 occurring more than ten years prior to the date of the violation being charged may be used to determine that the violation being charged is a second, third, or subsequent offense. However, any period of time during which the defendant was incarcerated for a previous violation may not be included when calculating if the time period provided in this section has elapsed.

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

32-23-4.5. Any conviction for, or plea of guilty to, an offense in another state which, if committed in this state, would be a violation of § 32-23-1, 22-18-36, or 22-16-41 and occurring within ten years prior to the date of the violation being charged, shall be used to determine if the violation being charged is a second, third, or subsequent offense.

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

For purposes of determining whether a conviction for a violation of § 32-23-1 is for a second or subsequent offense, any conviction for a violation of § 22-18-36 or 22-16-41 counts as a conviction of § 32-23-1.

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I certify that the attached Act originated in the SENATE as Bill No. 149

Secretary of the Senate
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President of the Senate

Attest:

Secretary of the Senate

Speaker of the House

Attest:

Chief Clerk

Senate Bill No. 149
File No. _____
Chapter No. _____

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Received at this Executive Office this _____ day of _____, 20____ at _____ M.

By _____
for the Governor
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The attached Act is hereby approved this _____ day of _____, A.D., 20____

Governor

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STATE OF SOUTH DAKOTA,
ss.
Office of the Secretary of State

Filed _____, 20____
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State