

# State of South Dakota

## EIGHTY-SECOND SESSION LEGISLATIVE ASSEMBLY, 2007

625N0462

### HOUSE BILL NO. 1108

Introduced by: Representatives Van Etten, Buckingham, Dreyer, Elliott, Faehn, Gilson, Glenski, Halverson, Hanks, Haverly, Hills, Howie, Kirkeby, Lust, McLaughlin, Miles, Moore, Novstrup (Al), Novstrup (David), Nygaard, Olson (Ryan), Pederson (Gordon), Peters, Rausch, Rhoden, Steele, Street, Thompson, Turbiville, Vehle, and Weems and Senators McCracken, Gant, Hanson (Gary), Hundstad, Napoli, Schmidt, and Smidt

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding when and by whom  
2 chemical dependency evaluations occur after a conviction of driving while under the  
3 influence of drugs or alcohol.

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

5 Section 1. That § 32-23-2.1 be amended to read as follows:

6 32-23-2.1. Any person convicted of a first offense pursuant to § 32-23-1 ~~with a 0.17 percent~~  
7 ~~or more by weight of alcohol in the person's blood~~ shall, in addition to the penalties provided  
8 in § 32-23-2, be required to undergo a court-ordered evaluation by a chemical dependency  
9 counselor as defined in § 34-20A-2 or a licensed or certified health care professional with  
10 specialized training in chemical dependency evaluation to determine if the defendant is  
11 chemically dependent. The cost of such evaluation shall be paid by the defendant. The  
12 recommendations of the evaluation shall be reviewed by the referring judge.

