

State of South Dakota

EIGHTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2011

448S0593

SENATE BILL NO. 141

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 offense arising out of underage
6 consumption of alcohol if that person contacts any law enforcement or emergency medical
7 services and reports that a person under twenty-one years of age is in need of medical assistance
8 due to alcohol consumption. However, to acquire limited immunity from arrest and prosecution
9 pursuant to this Act, a person must:

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

13 Section 2. No person, under the age of twenty-one years, may be prosecuted for any offense
14 arising out of underage consumption of alcohol if that person contacts any law enforcement or



1 emergency medical services and reports that he or she is in need of medical assistance due to
2 alcohol consumption. However, to acquire limited immunity from arrest and prosecution, the
3 person must remain on the scene and cooperate with medical assistance and law enforcement
4 personnel on the scene.