

2021 South Dakota Legislature

Senate Bill 174**AMENDMENT 174B FOR THE INTRODUCED BILL**

1 **An Act to revise provisions related to the automatic removal of certain charges or**
2 **convictions from a defendant's public record.**

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

4 **Section 1.** That § 23A-3-34 be AMENDED.

5 **23A-3-34. Defendant's public record--Automatic removal of non-felony**
6 **charges or convictions--Case record available.**

7 Any charge or conviction resulting from a case where a petty offense, municipal
8 ordinance violation, or a Class 2 misdemeanor was the highest charged offense shall be
9 automatically removed from a defendant's public record after ~~ten~~ three ~~five~~ years if all
10 court-ordered conditions on the case have been satisfied and the defendant has not been
11 convicted of any further offenses within those five years. ~~Any charge or conviction~~
12 ~~resulting from a case where a Class 1 misdemeanor was the highest charged offense shall~~
13 ~~be automatically removed from a defendant's public record after ten years if all court-~~
14 ~~ordered conditions on the case have been satisfied and the defendant has not been~~
15 ~~convicted of any further offenses other than petty offenses, municipal ordinance violations,~~
16 ~~or Class 2 misdemeanors within those ten years.~~ However, the case record ~~will remain~~
17 remains available to court personnel or as authorized by order of the court and may be
18 used as an enhancement in the prosecution of subsequent offenses as provided by law.