



2021 South Dakota Legislature

Senate Bill 174

SENATE JUDICIARY ENGROSSED

Introduced by: **Senator Wheeler**

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 to authorized personnel--Use as**
 7 **enhancement.**

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