



2021 South Dakota Legislature  
**Senate Bill 174**  
**ENROLLED**

AN ACT

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

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

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

**23A-3-34. Defendant's public record--Automatic removal of non-felony charges or convictions--Case record available to authorized personnel--Use as enhancement.**

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

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

\_\_\_\_\_  
I certify that the attached Act originated in  
the:  
Senate as Bill No. 174

\_\_\_\_\_  
Received at this Executive Office  
this \_\_\_\_ day of \_\_\_\_\_,  
2021 at \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of the Senate

By \_\_\_\_\_  
for the Governor

\_\_\_\_\_  
President of the Senate

The attached Act is hereby  
approved this \_\_\_\_ day of  
\_\_\_\_\_, A.D., 2021

Attest:

\_\_\_\_\_  
Secretary of the Senate

\_\_\_\_\_  
Governor

**STATE OF SOUTH DAKOTA,**

ss.

Office of the Secretary of State

\_\_\_\_\_  
Speaker of the House

Attest:

Filed \_\_\_\_\_, 2021  
at \_\_\_\_\_ o'clock \_\_ M.

\_\_\_\_\_  
Chief Clerk

\_\_\_\_\_  
Secretary of State

Senate Bill No. 174  
File No. \_\_\_\_\_  
Chapter No. \_\_\_\_\_

By \_\_\_\_\_  
Asst. Secretary of State