



2022 South Dakota Legislature

Senate Bill 83

SENATE JUDICIARY ENGROSSED

Introduced by: **Senator Rohl**

1 **An Act to modify when a motion for expungement of an arrest record may be made**
 2 **and to declare an emergency.**

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

4 **Section 1. That § 23A-3-27 be AMENDED:**

5 **23A-3-27.** An arrested person may apply to the court that would have jurisdiction
 6 over the crime for which the person was arrested, for entry of an order expunging the
 7 record of the arrest:

- 8 (1) After one year from the date of any arrest, if no accusatory instrument was filed;
 9 (2) After one year from the date the prosecuting attorney formally dismisses the entire
 10 criminal case on the record;~~or~~
 11 (3) At any time after an acquittal;or
 12 (4) Within one year from the date the prosecuting attorney formally dismisses the
 13 entire criminal case on the record upon a showing of compelling necessity.

14 **Section 2.** Whereas, this Act is necessary for the immediate preservation of the public peace,
 15 health, or safety, an emergency is hereby declared to exist, and this Act shall be in full force
 16 and effect from and after its passage and approval.