



2022 South Dakota Legislature
Senate Bill 83
ENROLLED

AN ACT

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

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

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

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

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

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

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

I certify that the attached Act originated in
the:
Senate as Bill No. 83

Received at this Executive Office
this ____ day of _____,
2022 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., 2022

Attest:

Secretary of the Senate

Governor

STATE OF SOUTH DAKOTA,

ss.

Office of the Secretary of State

Speaker of the House

Attest:

Filed _____, 2022
at _____ o'clock __ M.

Chief Clerk

Secretary of State

Senate Bill No. 83
File No. _____
Chapter No. _____

By _____
Asst. Secretary of State