



2023 South Dakota Legislature

Senate Bill 47

Introduced by: The Committee on Judiciary at the request of the Office of the Attorney General

1 **An Act to revise exceptions to the imposition of a Class 2 misdemeanor when no**
2 **other penalty is provided by statute.**

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

4 **Section 1. That § 22-6-2 be AMENDED:**

5 **22-6-2.** Misdemeanors are divided into two classes which are distinguished from
6 each other by the following maximum penalties which are authorized upon conviction:

7 (1) Class 1 misdemeanor: one year imprisonment in a county jail or two thousand
8 dollars fine, or both;

9 (2) Class 2 misdemeanor: thirty days imprisonment in a county jail or five hundred
10 dollars fine, or both.

11 The court, in imposing sentence on a defendant who has been found guilty of a
12 misdemeanor, shall order, in addition to the sentence that is imposed pursuant to the
13 provisions of this section, that the defendant make restitution to any victim in accordance
14 with the provisions of chapter 23A-28.

15 Except in Titles 1 to 11, inclusive, 13 to 20, inclusive, 22, 25 to 28, inclusive, 32
16 to 36, inclusive, 40 to 42, inclusive, 47 to 54, inclusive, and 58 to 62, inclusive, if the
17 performance of an act is prohibited by a statute, and no penalty for the violation of such
18 statute is imposed by a statute, the doing of such act is a Class 2 misdemeanor.