



2024 South Dakota Legislature

House Bill 1047

Introduced by: **Representative Kull**

1 **An Act to enhance the penalties for eluding law enforcement.**

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

3 **Section 1. That § 32-33-18.1 be AMENDED:**

4 **32-33-18.1.** Any driver of a vehicle who, after failing or refusing to bring a vehicle
 5 to a stop pursuant to § 32-33-18, flees from the law enforcement officer or attempts to
 6 elude the pursuit of the law enforcement officer is guilty of third degree eluding. ~~Eluding~~
 7 Third degree eluding is a Class 1 misdemeanor. In addition, the court may order that the
 8 defendant's driver's license be revoked for up to one year, but may issue an order, upon
 9 proof of financial responsibility pursuant to § 32-35-43.1, allowing the defendant to
 10 operate a vehicle for purposes of the defendant's employment, attendance at school, or
 11 counseling programs.

12 **Section 2. That § 32-33-18.2 be AMENDED:**

13 **32-33-18.2.** Any driver of a vehicle who, after failing or refusing to bring a vehicle
 14 to a stop pursuant to § 32-33-18, flees from a law enforcement officer or attempts to
 15 elude the pursuit of a law enforcement officer is guilty of ~~aggravated~~ second degree
 16 eluding if, at any time during the flight or pursuit, the driver operates the vehicle in a
 17 manner that constitutes an inherent risk of death or serious bodily injury to any third
 18 person.

19 ~~Aggravated~~ Second degree eluding is a Class 6 felony. In addition, the court may
 20 order that the defendant's driver's license be revoked for up to one year, but may issue
 21 an order, upon proof of financial responsibility pursuant to § 32-35-43.1, allowing the
 22 defendant to operate a vehicle for purposes of the defendant's employment, attendance
 23 at school, or counseling programs. For any subsequent ~~aggravated~~ second degree eluding
 24 violation, the court ~~shall~~ must order that the defendant's driver's license be revoked for
 25 five years.

1 **Section 3. That chapter 32-33 be amended with a NEW SECTION:**

2 Any driver of a vehicle who, after failing or refusing to bring a vehicle to a stop
3 pursuant to § 32-33-18, flees from a law enforcement officer or attempts to elude the
4 pursuit of a law enforcement officer and does so in a manner that constitutes an inherent
5 risk of death or serious bodily injury to any third person and causes serious bodily injury
6 to another person is guilty of first degree eluding.

7 First degree eluding is a Class 4 felony. In addition, the court shall order that the
8 defendant's driver's license be revoked for a period of not less than three years from the
9 date the sentence is imposed or three years from the date of initial release from
10 imprisonment, whichever is later. In the event the defendant is returned to imprisonment
11 prior to the completion of the period of driver's license revocation, time spent imprisoned
12 does not count toward fulfilling the period of revocation.