



2026 South Dakota Legislature

House Bill 1140

HOUSE JUDICIARY ENGROSSED

Introduced by: **Representative Hughes**

1 **An Act to permit a court to impose as a condition of probation, or parole in certain**
 2 **circumstances, treatment at a nonprofit entity awarded an alternative care**
 3 **program grant.**

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

5 **Section 1. That § 23A-27-18.3 be AMENDED:**

6 **23A-27-18.3.** The conditions of probation imposed pursuant to § 23A-27-12 or
 7 23A-27-13, or the conditions of a suspension of execution imposed pursuant to § 23A-27-
 8 18, shall provide, in addition to any other conditions, and as an explicit condition of
 9 probation, suspended imposition of sentence, or suspended execution of sentence, that
 10 the defendant not commit another federal, state, or local crime during the term of
 11 probation or suspension.

12 The conditions of probation imposed pursuant to § 23A-27-12 or 23A-27-13, or the
 13 conditions of a suspension of execution imposed pursuant to § 23A-27-18, may provide,
 14 in addition to any other conditions, and as an explicit condition of probation, suspended
 15 imposition of sentence, or suspended execution of sentence, that the defendant:

16 (1) Pay a fine or perform community service work as directed by the court; ~~or~~

17 (2) Participate in and complete a program at any nonprofit entity awarded an
 18 alternative care program grant pursuant to § 16-2-60, if:

19 (a) The defendant consents to participating in the program;

20 (b) The program has availability and the defendant's application is approved
 21 based on the standard criteria for all applicants; and

22 (c) The defendant's application is completed prior to sentencing;

23 (3) Receive treatment for chemical dependency at any South Dakota treatment facility
 24 accredited pursuant to § 34-20A-27 and reimburse the county for costs of
 25 treatment ordered by the court; or

26 ~~(3)~~(4) Make restitution pursuant to the provisions of chapter 23A-28.

1 **Section 2. That § 32-23-4 be AMENDED:**

2 **32-23-4.** If conviction for a violation of § 32-23-1 is for a third offense, the person
3 is guilty of a Class 6 felony, and the court must revoke the person's driver license for a
4 period of not less than one year from the date sentence is imposed or one year from the
5 date of initial release from imprisonment, whichever is later. If the person is returned to
6 imprisonment prior to the completion of the period of driver's license revocation, time
7 spent imprisoned does not count toward fulfilling the period of revocation. If the person is
8 convicted of driving without a license during that period, the court must sentence the
9 person to the county jail for not less than ten days, which sentence may not be suspended.
10 Notwithstanding § 23A-27-19, the court retains jurisdiction to modify the conditions of the
11 license revocation for the term of the revocation. Upon the successful completion of a
12 court-approved chemical dependency counseling program, and proof of financial
13 responsibility pursuant to § 32-35-113, the court may permit the person to operate a
14 vehicle for the purposes of employment, 24/7 sobriety testing, attendance at school, child
15 care delivery or pickup, health appointments, attendance at court or probation
16 appointments, or attendance at counseling programs, treatment,~~or~~ aftercare, or an
17 alternative care program pursuant to subdivision 23A-27-18.3(2).