



2026 South Dakota Legislature
House Bill 1140
ENROLLED

AN ACT

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

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

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

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

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

- (1) Pay a fine or perform community service work as directed by the court;
- (2) Participate in and complete a program at any nonprofit entity awarded an alternative care program grant pursuant to § 16-2-60, if:
 - (a) The defendant consents to participating in the program;
 - (b) The program has availability and the defendant's application is approved based on the standard criteria for all applicants; and
 - (c) The defendant's application is completed prior to sentencing;
- (3) Receive treatment for chemical dependency at any South Dakota treatment facility accredited pursuant to § 34-20A-27 and reimburse the county for costs of treatment ordered by the court; or
- (4) Make restitution pursuant to the provisions of chapter 23A-28.

Section 2. That § 32-23-4 be AMENDED:

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

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

I certify that the attached Act originated in
the:
House as Bill No. 1140

Received at this Executive Office
this ____ day of _____,
2026 at _____ M.

Chief Clerk of the House

By _____
for the Governor

Speaker of the House

The attached Act is hereby
approved this ____ day of
_____, A.D., 2026

Attest:

Chief Clerk of the House

Governor

STATE OF SOUTH DAKOTA,

ss.

Office of the Secretary of State

President of the Senate

Attest:

Filed _____, 2026
at _____ o'clock __ M.

Secretary of the Senate

Secretary of State

House Bill No. 1140
File No. _____
Chapter No. _____

By _____
Asst. Secretary of State