AN ACT

ENTITLED, An Act to revise certain provisions concerning the expungement of arrest records.

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

Section 1. That § 23A-3-27 be amended to read as follows:

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; or

(3) At any time after an acquittal.

Section 2. That § 23A-3-30 be amended to read as follows:

23A-3-30. The court may enter an order of expungement upon a showing by the defendant or the arrested person by clear and convincing evidence that the ends of justice and the best interest of the public as well as the defendant or the arrested person will be served by the entry of the order.

An Act to revise certain provisions concerning the expungement of arrest records.

I certify that the attached Act originated in the

HOUSE as Bill No. 1134

_____
Chief Clerk

_____
Speaker of the House

Attest:

_____
Chief Clerk

_____
President of the Senate

Attest:

_____
Secretary of the Senate

House Bill No. 1134
File No. ____
Chapter No. _____

Received at this Executive Office this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor

The attached Act is hereby approved this _____ day of _____ , A.D., 20___

_____
Governor

STATE OF SOUTH DAKOTA,
ss.
Office of the Secretary of State

Filed _____ , 20___
at _____ o'clock __ M.

_____
Secretary of State

By _____
Asst. Secretary of State