State of South Dakota

EIGHTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, **2008**

400P0238

HOUSE BILL NO. 1063

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

1   FOR AN ACT ENTITLED, An Act to provide for the use of a DNA profile in certain warrants,

2   indictments, and informations.

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

4   Section 1. That § 23A-2-4 be amended to read as follows:

5   23A-2-4. Each arrest warrant shall be dated and contain its place of issuance. ~~It~~ The warrant

6   shall be signed by a committing magistrate. ~~It~~ The warrant shall contain the name of the

7   defendant or, if ~~his~~ the defendant's name is unknown, any DNA profile, name or description by

8   which ~~he~~ the defendant can be identified with reasonable certainty. ~~It~~ The warrant shall

9   command that the defendant be brought before the nearest available committing magistrate. The

10   committing magistrate who signs the warrant shall also endorse the amount of bail on ~~it~~ the

11   warrant.

12   Section 2. That § 23A-6-7 be amended to read as follows:

13   23A-6-7. An indictment or information is sufficient if it can be understood ~~therefrom~~ from

14   the indictment or information:

15   (1)   That ~~it~~ the indictment or information is entitled in a court having authority to receive

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Insertions into existing statutes are indicated by <u>underscores</u>.
Deletions from existing statutes are indicated by ~~overstrikes~~.

1   ~~it~~ <u>the indictment or information</u>, although the name of the court is not stated;

2   (2)   That the indictment was found by a grand jury of the county in which the public

3   offense was committed;

4   (3)   That the defendant is named or, if ~~his~~ <u>the defendant's</u> name is unknown, that ~~he~~ <u>the</u>

5   <u>defendant</u> is described by a <u>DNA profile or a</u> fictitious name with a statement that ~~his~~

6   <u>the defendant's</u> true name is unknown to the grand jury or prosecuting attorney;

7   (4)   That the offense charged was committed within the jurisdiction of the county; and

8   (5)   That the offense charged is designated in such a manner as to enable a person of

9   common understanding to know what is intended.