

State of South Dakota

EIGHTY-FOURTH SESSION LEGISLATIVE ASSEMBLY, 2009

529Q0703

SENATE BILL NO. 173

Introduced by: Senators Tieszen, Adelstein, Gillespie, Miles, Nelson, Rhoden, and Turbak
Berry and Representatives Lust, Gibson, Hoffman, Hunt, Lederman,
McLaughlin, Russell, Sly, and Verchio

1 FOR AN ACT ENTITLED, An Act to revise the elements of the crimes of vehicular homicide
2 and vehicular battery.

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

4 Section 1. That § 22-16-41 be amended to read as follows:

5 22-16-41. Any person who, while under the influence of ~~an alcoholic beverage, any~~
6 ~~controlled drug or substance, marijuana, or a combination thereof~~ alcohol, drugs, or substances
7 in a manner and to a degree prohibited by § 32-23-1, without design to effect death, operates or
8 drives a vehicle of any kind in a negligent manner and thereby causes the death of another
9 person, including an unborn child, is guilty of vehicular homicide. Vehicular homicide is a Class
10 3 felony. In addition to any other penalty prescribed by law, the court shall order that the driver's
11 license of any person convicted of vehicular homicide be revoked for a period of not less than
12 ten years from the date sentence is imposed or ten years from the date of initial release from
13 imprisonment, whichever is later. In the event the person is returned to imprisonment prior to
14 the completion of the period of driver's license revocation, time spent imprisoned does not count



1 toward fulfilling the period of revocation.

2 Section 2. That § 22-18-36 be amended to read as follows:

3 22-18-36. Any person who, while under the influence of ~~an alcoholic beverage, any~~
4 ~~controlled drug or substance, marijuana, or a combination thereof~~ alcohol, drugs, or substances
5 in a manner and to a degree prohibited by § 32-23-1, without design to effect serious bodily
6 injury, operates or drives a motor vehicle of any kind in a negligent manner and thereby causes
7 the serious bodily injury of another person, including an unborn child, is guilty of vehicular
8 battery. Vehicular battery is a Class 4 felony. In addition to any other penalty prescribed by law,
9 the court shall order that the driver's license of any person convicted of vehicular battery be
10 revoked for a period of not less than three years from the date sentence is imposed or three years
11 from the date of initial release from imprisonment, whichever is later. In the event the person
12 is returned to imprisonment prior to the completion of the period of driver's license revocation,
13 time spent imprisoned does not count toward fulfilling the period of revocation.