

State of South Dakota

SEVENTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 1997

346A0022

HOUSE BILL NO. 1004

Introduced by: Representatives Brooks, Belatti, DeMersseman, Duniphan, and Koskan and
Senator Whiting at the request of the Interim Criminal Code Revision
Committee

1 FOR AN ACT ENTITLED, An Act to increase the penalty for failure to appear if a person is
2 charged with a felony.

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

4 Section 1. That § 23A-43-31 be amended to read as follows:

5 23A-43-31. Any person who, having been released pursuant to this chapter, fails to appear
6 before any court or judicial officer as required shall, subject to the provisions of this title, forfeit
7 any security which was given or pledged for such person's release and, in addition, shall:

8 (1) If such person was released in connection with a charge of a felony, an alleged felony
9 violation of § 32-23-1, or while awaiting sentence or pending appeal or certiorari after
10 conviction of any offense, be guilty of a ~~Class 6~~ felony one class higher than for the
11 most severe principal offense, not to exceed a Class B felony;

12 (2) If such person was released in connection with a charge of a misdemeanor, be guilty
13 of a Class 1 misdemeanor; or

14 (3) If such person was released for appearance as a material witness, be guilty of a Class

1 1 misdemeanor.