State of South Dakota

SEVENTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 1997

248A0278

HOUSE ENGROSSED NO. SB103 - 3/5/97

Introduced by: Senators Whiting, Dennert, Ham, and Munson (David) and Representatives Duniphan, Brosz, and Koetzle

FOR AN ACT ENTITLED, An Act to increase the penalty for a driver of a motor vehicle who eludes a law enforcement officer.

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

Section 1. That § 32-33-18 be amended to read as follows:

32-33-18. Any driver of a motor vehicle who intentionally fails or refuses to bring ~~his~~ a vehicle to a stop, or who otherwise flees or attempts to elude a pursuing ~~police~~ law enforcement vehicle, when given visual or audible signal to bring the vehicle to a stop, ~~shall be~~ is guilty of ~~a misdemeanor as provided by § 32-33-19~~ eluding. The signal given by the ~~police~~ law enforcement officer may be by hand, voice, emergency light or siren. The officer giving ~~such~~ the signal shall be in uniform, prominently displaying ~~his~~ a badge of office, and ~~his~~ the vehicle shall be appropriately marked showing it to be an official ~~police~~ law enforcement vehicle.

Eluding is a Class 1 misdemeanor. In addition, the court shall order that the defendant's driver's license be suspended for one year, but may issue an order allowing the defendant a work permit. Any person who is found guilty of eluding is subject to the additional enhanced penalties if the course of eluding results in:

750 copies of this document were printed by the South Dakota Legislative Research Council at a cost of $.015 per page.

V

Insertions into existing statutes are indicated by underscores.
Deletions from existing statutes are indicated by ~~overstrikes~~.

(1) Death or great bodily injury to another person, a Class 4 felony; and

(2) Substantial bodily injury to another person or property damage in excess of five hundred dollars to property belonging to a person other than the person eluding, a Class 6 felony.

For any subsequent violation, the court shall order that the defendant's driver's license be suspended for five years.

Section 2. That § 32-33-19 be repealed.

~~32-33-19. Any person who flees from or attempts to elude a police officer under the circumstances described in § 32-33-18 is guilty of a Class 1 misdemeanor. In addition to such penalty, the court shall order that the defendant's driving privilege be suspended for thirty days. However, the court may in its discretion issue an order permitting the person to operate a motor vehicle for purposes of the person's employment during the hours of the day and the days of the week as set forth in the order. The court may also order the revocation of the defendant's driving privilege for a further period not to exceed one year or restrict the privilege in such manner as the court determines for a period not to exceed one year.~~

BILL HISTORY

1/21/97 First read in Senate and referred to Judiciary. S.J. 77

1/24/97 Scheduled for Committee hearing on this date.

1/24/97 Judiciary Do Pass, Passed, AYES 6, NAYS 0. S.J. 154

1/27/97 Senate Deferred to another day. S.J. 180

1/28/97 Motion to Amend, Passed. S.J. 198

1/28/97 Senate Do Pass Amended, Failed, AYES 17, NAYS 18. S.J. 198

1/28/97 Intent to reconsider. S.J. 198

1/29/97 Senate Reconsidered, AYES 25, NAYS 9. S.J. 209

1/29/97 Senate Placed on Calendar. S.J. 210

1/29/97 Senate Deferred to another day. S.J. 222

1/30/97 Motion to Amend, Passed. S.J. 245

1/30/97 Senate Do Pass Amended, Passed, AYES 30, NAYS 4. S.J. 245

1/31/97 First read in House and referred to Judiciary. H.J. 251

2/19/97 Scheduled for Committee hearing on this date.

2/19/97 Judiciary Deferred to another day. H.J. 561

2/21/97 Scheduled for Committee hearing on this date.

2/24/97 Scheduled for Committee hearing on this date.

2/26/97 Scheduled for Committee hearing on this date.

2/28/97 Judiciary Do Pass Amended, Passed, AYES 9, NAYS 3. H.J. 771

3/4/97 Motion to Amend, Passed. H.J. 859

3/4/97 House of Representatives Do Pass Amended, Passed, AYES 42, NAYS 27. H.J. 859