

State of South Dakota

SEVENTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 1999

583C0766

SENATE BILL NO. 197

Introduced by: Senator Whiting and Representative Hennies

1 FOR AN ACT ENTITLED, An Act to establish the crime of second degree vehicular battery
2 and to provide penalties therefor.

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

4 Section 1. That chapter 22-16 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 Any person who, without design to effect serious bodily injury, operates or drives a motor
7 vehicle of any kind in a reckless manner and thereby causes the serious bodily injury of another
8 person, including an unborn child, is guilty of second degree vehicular battery. Second degree
9 vehicular battery is a Class 5 felony. In addition to any other penalty prescribed by law, the court
10 may also order that the driver's license of any person convicted of vehicular battery be revoked
11 for a period of two years subsequent to release from incarceration.

12 Section 2. That § 22-16-42 be amended to read as follows:

13 22-16-42. Any person who, while under the influence of an alcoholic beverage, any
14 controlled drug or substance, or a combination thereof, without design to effect serious bodily
15 injury, operates or drives a motor vehicle of any kind in a negligent manner and thereby causes
16 the serious bodily injury of another person, including an unborn child, is guilty of first degree
17 vehicular battery. ~~Vehicular~~ First degree vehicular battery is a Class 4 felony. In addition to any

1 other penalty prescribed by law, the court may also order that the driver's license of any person
2 convicted of first degree vehicular battery be revoked for a period of two years subsequent to
3 release from incarceration.