

State of South Dakota

SEVENTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 1999

447C0744

HOUSE BILL NO. 1217

Introduced by: Representatives Hennies, Apa, Broderick, Koehn, Kooistra, Lintz, and
McIntyre and Senators Ham, Albers, Bogue, Drake, Dunn (Rebecca), Kleven,
Lawler, and Vitter

- 1 FOR AN ACT ENTITLED, An Act to revise the procedure for determining the period of time
2 that has elapsed for a person who was previously convicted of driving under the influence.
3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:
4 Section 1. That § 32-23-4.1 be amended to read as follows:
5 32-23-4.1. No previous conviction for, or plea of guilty to, a violation of § 32-23-1 occurring
6 more than five years prior to the date of the violation being charged may be used to determine
7 that the violation being charged is a second, third, or subsequent offense. However, any period
8 of time during which the defendant was incarcerated for a previous violation may not be included
9 when calculating if the five-year time period has elapsed.