

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

367E0390

HOUSE BILL NO. 1100

Introduced by: Representatives Adelstein and Brown (Richard) and Senator Ham

1 FOR AN ACT ENTITLED, An Act to provide for a mandatory jail sentence for a second driving
2 under the influence conviction.

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

4 Section 1. That § 32-23-3 be amended to read as follows:

5 32-23-3. If conviction for a violation of § 32-23-1 is for a second offense, such person is
6 guilty of a Class 1 misdemeanor, and the court shall, in pronouncing sentence, unconditionally
7 revoke the defendant's driving privilege for a period of not less than one year, and shall sentence
8 the defendant to the county jail for not less than ten days, which sentence may not be suspended.
9 However, upon the successful completion of a court-approved alcohol treatment program, the
10 court may permit the person to drive for the purpose of employment and may restrict the
11 privilege by the imposition of such conditions as the court sees fit. If such person is convicted
12 of driving without a license during that period, the person shall be sentenced to the county jail
13 for not less than three days, which sentence may not be suspended.