

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

367E0456

HOUSE BILL NO. 1118

Introduced by: Representatives Abdallah, Broderick, Brown (Jarvis), Brown (Richard), Clark, Duenwald, Duniphan, Heineman, Hennies (Thomas), Holbeck, Konold, Kooistra, Madsen, McCaulley, Monroe, Murschel, Pederson (Gordon), Peterson (Bill), Richter, Sebert, Smidt, Solum, Teupel, Van Etten, and Van Gerpen and Senators Albers, Munson, and Olson (Ed)

1 FOR AN ACT ENTITLED, An Act to extend the time period during which previous driving
2 while intoxicated convictions may be considered for determining subsequent offenses.

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~~ ten years prior to the date of the violation being charged may be used to
7 determine that the violation being charged is a second, third, or subsequent offense. However,
8 any period of time during which the defendant was incarcerated for a previous violation may not
9 be included when calculating if the time period provided in this section has elapsed.

10 Section 2. That § 32-23-4.5 be amended to read as follows:

11 32-23-4.5. Any conviction for, or plea of guilty to, an offense in another state which, if
12 committed in this state, would be a violation of § 32-23-1, and occurring within ~~five~~ ten years
13 prior to the date of the violation being charged, shall be used to determine if the violation being

1 charged is a second, third, or subsequent offense.