

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

367E0178

SENATE JUDICIARY COMMITTEE ENGROSSED NO.

HB 1079 - 02/07/2001

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.

Introduced by: The Committee on Judiciary at the request of the Chief Justice

1 FOR AN ACT ENTITLED, An Act to determine the venue of the offense of underage
2 possession or consumption of alcoholic beverages.

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

4 Section 1. That § 35-9-6 be amended to read as follows:

5 35-9-6. In any arrest, citation, or prosecution, ~~or adjudication~~ arising from a violation of
6 § 35-9-2, if the person is apprehended for:

7 (1) The purchase or attempted purchase of alcoholic beverages, the ~~situs~~ venue is the
8 locality where the purchase or attempted purchase occurred;

9 (2) The possession or consumption of alcoholic beverages, the ~~situs~~ venue is the locality
10 where the person was apprehended or any other locality where the person possessed
11 or consumed any portion of the alcoholic beverages.

12 Section 2. That chapter 35-9 be amended by adding thereto a NEW SECTION to read as
13 follows:

14 In any juvenile adjudication arising from a violation of § 35-9-2, if the person is apprehended

1 for:

2 (1) The purchase or attempted purchase of alcoholic beverages, the venue is the locality
3 where the purchase or attempted purchase occurred or the juvenile's county of
4 residence;

5 (2) The possession or consumption of alcoholic beverages, the venue is the locality where
6 the juvenile was apprehended or any other locality where the juvenile possessed or
7 consumed any portion of the alcoholic beverages or the juvenile's county of residence.

8 However, no transfer to the juvenile's county of residence may occur unless the state's
9 attorney of the juvenile's county of residence affirmatively consents to the transfer.