

# State of South Dakota

SEVENTY-SEVENTH SESSION  
LEGISLATIVE ASSEMBLY, 2002

437H0377

## HOUSE BILL NO. 1062

Introduced by: Representatives Hundstad, Abdallah, Frost, Hansen (Tom), Olson (Mel), and Sigdestad

1 FOR AN ACT ENTITLED, An Act to increase certain penalties for eluding a law enforcement  
2 officer.

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

4 Section 1. That § 32-33-18 be amended to read as follows:

5 32-33-18. Any driver of a motor vehicle, who intentionally fails or refuses to bring a vehicle  
6 to a stop; or who otherwise flees or attempts to elude a pursuing law enforcement vehicle, when  
7 given visual or audible signal to bring the vehicle to a stop, is guilty of eluding. The signal given  
8 by the law enforcement officer may be by hand, voice, emergency light, or siren. The officer  
9 giving the signal shall be in uniform, prominently displaying a badge of office, and the vehicle  
10 shall be appropriately marked showing it to be an official law enforcement vehicle.

11 Eluding is a ~~Class 1 misdemeanor~~ Class 6 felony. In addition, the court shall order that the  
12 defendant's driver's license be revoked for one year, but may issue an order allowing the  
13 defendant to operate a motor vehicle for purposes of the defendant's employment, attendance  
14 at school, or counseling programs. Any person who is found guilty of eluding is subject to the  
15 additional enhanced penalties if the course of eluding results in:



- 1 (1) Death or great bodily injury to another person, a ~~Class 4~~ Class 3 felony; and
- 2 (2) Substantial bodily injury to another person or property damage in excess of five
- 3 hundred dollars to property belonging to a person other than the person eluding, a
- 4 ~~Class 6~~ Class 5 felony.

5 For any subsequent violation, the court shall order that the defendant's driver's license be

6 revoked for five years.