

# State of South Dakota

SEVENTY-SEVENTH SESSION  
LEGISLATIVE ASSEMBLY, 2002

527H0392

## SENATE BILL NO. 86

Introduced by: Senators Volesky and Munson and Representatives Flowers, Burg, and Valandra

1 FOR AN ACT ENTITLED, An Act to require the use of an ignition interlock device in a motor  
2 vehicle used by any person guilty of a second or subsequent violation of driving under the  
3 influence and to provide for a minimum jail sentence.

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

5 Section 1. That chapter 32-23 be amended by adding thereto a NEW SECTION to read as  
6 follows:

7 For the purposes of this Act, the term, ignition interlock device, means breath alcohol  
8 ignition equipment designed to prevent a motor vehicle's ignition from being started by a person  
9 whose alcohol concentration exceeds a level prescribed by a court.

10 Section 2. That § 32-23-3 be amended to read as follows:

11 32-23-3. If conviction for a violation of § 32-23-1 is for a second offense, such person is  
12 guilty of a Class 1 misdemeanor, and the court shall, in pronouncing sentence, unconditionally  
13 revoke the defendant's driving privilege for a period of not less than one year. However, upon  
14 the successful completion of a court-approved alcohol treatment program, the court may permit  
15 the person to drive for the purpose of employment and may restrict the privilege by the



1 imposition of such conditions as the court sees fit. ~~If such person is convicted of driving without~~  
2 ~~a license during that period, the person shall be sentenced to the county jail for not less than three~~  
3 ~~days, which sentence may not be suspended. If the court permits the person to drive, the court~~  
4 shall order the person to install and to use an ignition interlock device on any motor vehicle to  
5 be operated by the person during the period of revocation if the court determines that an  
6 installation and service center for the device is located within the court's definition of a  
7 reasonable distance. The court shall require the person to pay the reasonable cost of leasing,  
8 installing, and maintaining the device.

9 In addition, the court shall impose a sentence of not less than one hundred eighty days in  
10 county jail of which no more than one hundred seventy five days may be suspended. The court  
11 shall immediately revoke the suspension of jail sentence of a person upon verification of any  
12 violation revealed by ignition interlock device monitoring data. The court shall immediately  
13 revoke any suspension of jail sentence upon conviction of a person driving without a license or  
14 any violation of the conditions of a work permit, during the period of revocation.