

2022 South Dakota Legislature

Senate Bill 83**AMENDMENT 83B FOR THE INTRODUCED BILL**

1 **An Act to modify when a motion for expungement of an arrest record may be made.**

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

3 **Section 1. That § 23A-3-27 be AMENDED:**

4 **23A-3-27.** An arrested person may apply to the court that would have jurisdiction
5 over the crime for which the person was arrested, for entry of an order expunging the
6 record of the arrest:

- 7 (1) After one year from the date of any arrest, if no accusatory instrument was filed;
8 (2) After one year from the date ~~At any time after~~ the prosecuting attorney formally
9 dismisses the entire criminal case on the record; ~~or~~
10 (3) At any time after an acquittal; ~~or~~
11 (4) Within one year from the date the prosecuting attorney formally dismisses the
12 entire criminal case on the record upon a showing of ~~good cause compelling~~
13 necessity.