



2020 South Dakota Legislature

House Bill 1195

SENATE ENGROSSED

Introduced by: **Representative Gosch**

1 **An Act to provide for the dismissal of charges against pregnant women for certain**
 2 **controlled substance offenses under certain circumstances.**

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

4 **Section 1.** That a NEW SECTION be added:

5 **22-42-23. Controlled Substance--Pregnant--Assault.**

6 If a woman who was pregnant at the time of an alleged violation of § 22-42-5 or
 7 22-42-5.1 provides evidence that she:

8 (1) Received adequate prenatal care from a licensed health care professional during
 9 her pregnancy;

10 (2) Actively enrolled in an addiction recovery program before the child was born;

11 (3) Remained in the program after delivery; and

12 (4) Completed the addiction recovery program,

13 the state shall dismiss the charge.