

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

347E0116

SENATE BILL NO. 70

Introduced by: Senators Volesky, Dennert, Duxbury, Hagen, Hutmacher, Koetzle,
McIntyre, Moore, Reedy, Sutton (Dan), and Symens and Representatives
Van Norman and Bradford

1 FOR AN ACT ENTITLED, An Act to require certain statistics regarding traffic law
2 enforcement to be collected and maintained.

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

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

6 The director shall collect, correlate, and maintain the following information regarding traffic
7 law enforcement by law enforcement officers:

- 8 (1) The number of drivers stopped for routine traffic enforcement by law enforcement
9 officers and whether or not a citation or warning was issued;
- 10 (2) Any identifying characteristics of the drivers stopped, including the race or ethnicity,
11 approximate age, and gender;
- 12 (3) The alleged traffic violation that led to the stop;
- 13 (4) Whether a search was instituted as a result of the stop;
- 14 (5) Whether the vehicle, driver or any passenger, or the personal effects of the driver or

1 any passenger, were searched, and the race or ethnicity, approximate age, and gender
2 of each person searched;

3 (6) Whether the search was conducted pursuant to consent, probable cause, or reasonable
4 suspicion to suspect a crime, including the basis for the request for consent, or the
5 circumstances establishing probable cause or reasonable suspicion;

6 (7) Whether any contraband was found and the type and amount of any such contraband;

7 (8) Whether any written citation or any oral or written warning was issued as a result of
8 the stop;

9 (9) Whether an arrest was made as a result of either the stop or the search;

10 (10) Whether any property was seized, with a description of that property;

11 (11) Whether any officer making the stop encountered any physical resistance from the
12 driver or any passenger;

13 (12) Whether any officer making the stop engaged in the use of force against the driver or
14 any passenger for any reason;

15 (13) Whether any injuries resulted from the stop; and

16 (14) Whether the circumstances surrounding the stop were the subject of any investigation,
17 and, if so, the results of that investigation.

18 The information required by this section need not be collected in connection with any
19 roadblock, vehicle check, or checkpoint permitted by the laws of this state, unless any of those
20 stops resulted in a warning, search, seizure, arrest, or any other activity described in subdivisions
21 (4) to (14), inclusive, of this section.