

State of South Dakota

SEVENTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2002

176H0191

HOUSE BILL NO. 1292

Introduced by: Representatives Van Norman, Adelstein, Bradford, Burg, Davis, Flowers, Glenski, Hanson (Gary), Hargens, Hundstad, Jensen, Klaudt, Lange, McCoy, Murschel, Nachtigal, Olson (Mel), Peterson (Jim), Sigdestad, and Valandra and Senators Volesky, de Hueck, Hagen, Koetzle, Koskan, McIntyre, Moore, Putnam, Staggers, and Symens

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 sheriffs, chiefs of police, marshals of the municipalities, and any other law enforcement
7 officers of the state shall collect the following information regarding traffic stops by law
8 enforcement officers according to the reporting system established by the Division of Criminal
9 Investigation, on forms furnished by the division, and shall forward the information to the
10 division for collection, correlation, and maintenance:

11 (1) The number of drivers stopped for routine traffic enforcement by law enforcement
12 officers and whether or not a citation or warning was issued;

13 (2) As perceived by the officer (without asking those he or she stops) any identifying



1 characteristics of the drivers stopped, including perceived race or ethnicity,
2 approximate age, and gender;

3 (3) The alleged traffic violation that led to the stop;

4 (4) Whether a search was instituted as a result of the stop;

5 (5) Whether the vehicle, driver, or any passenger, or the personal effects of the driver or
6 any passenger, were searched, and the approximate age and gender of each person
7 searched;

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

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

11 The information required by this section need not be collected in connection with any
12 roadblock, vehicle check, or checkpoint permitted by the laws of this state, unless any of those
13 stops resulted in a warning, search, seizure, arrest, or any other activity described in subdivisions
14 (4) to (7), inclusive, of this section.

15 Any officer required by this section to collect and report traffic stop information, who fails
16 to take and report information required by this section, is guilty of a Class 2 misdemeanor.

17 Section 2. That chapter 23-6 be amended by adding thereto a NEW SECTION to read as
18 follows:

19 The director shall collect, correlate, and maintain the information collected by local law
20 enforcement under section 1 of this Act.

21 Section 3. That chapter 23-6 be amended by adding thereto a NEW SECTION to read as
22 follows:

23 The director shall promulgate, pursuant to chapter 1-26, uniform forms to be used in the
24 collection and reporting of traffic stop information collected by law enforcement officers under

1 section 1 of this Act. The director may promulgate, pursuant to chapter 1-26, regulations
2 regarding the collection, correlation, maintenance, and reporting of traffic stop information
3 required by this Act.