

AN ACT

ENTITLED, An Act to revise certain provisions regarding criminal record expungement.

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

Section 1. That chapter 23A-3 be amended by adding a NEW SECTION to read:

If an arrested person is placed in a diversion program, the person is eligible for an expungement of the entire criminal record related to that arrest if:

- (1) The person has successfully completed all the terms of the diversion program; and
- (2) The person has not been charged with any new crimes, except for petty offenses or minor traffic citations, within one year and thirty days from the date of the successful completion of the diversion program.

Nothing in this section requires a state's attorney to place any arrested person into a diversion program or to otherwise create or implement a diversion program.

Section 2. That chapter 23A-3 be amended by adding a NEW SECTION to read:

If the requirements of section 1 of this Act have been met, the state's attorney shall file a dismissal of all the charges related to that arrest and a notice of completion of the diversion program by the arrested person.

Section 3. That chapter 23A-3 be amended by adding a NEW SECTION to read:

Upon the filing of the dismissal and notice of completion of the diversion program, the court shall grant the expungement without the filing of a motion or any further action by the court.

An Act to revise certain provisions regarding criminal record expungement.

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I certify that the attached Act
originated in the
SENATE as Bill No. 185

\_\_\_\_\_  
Secretary of the Senate

\_\_\_\_\_  
President of the Senate

Attest:

\_\_\_\_\_  
Secretary of the Senate

\_\_\_\_\_  
Speaker of the House

Attest:

\_\_\_\_\_  
Chief Clerk

Senate Bill No. 185  
File No. \_\_\_\_\_  
Chapter No. \_\_\_\_\_

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Received at this Executive Office
this \_\_\_\_ day of \_\_\_\_\_ ,
20\_\_ at \_\_\_\_\_ M.

By \_\_\_\_\_  
for the Governor

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The attached Act is hereby
approved this \_\_\_\_\_ day of
\_\_\_\_\_, A.D., 20\_\_

\_\_\_\_\_  
Governor

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STATE OF SOUTH DAKOTA,
ss.
Office of the Secretary of State

Filed \_\_\_\_\_, 20\_\_
at \_\_\_\_\_ o'clock \_\_ M.

\_\_\_\_\_  
Secretary of State

By \_\_\_\_\_  
Asst. Secretary of State