

State of South Dakota

EIGHTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2010

385R0165

HOUSE BILL NO. 1080

Introduced by: The Committee on Judiciary at the request of the Chief Justice

1 FOR AN ACT ENTITLED, An Act to correct the omission of a reference to fifth-offense DUI
2 for habitual offender cases and to remove certain outdated language.

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

4 Section 1. That § 32-23-4.2 be amended to read as follows:

5 32-23-4.2. In any criminal case brought pursuant to the provisions of § 32-23-3, 32-23-4,
6 ~~or 32-23-4.6, or 32-23-4.7,~~ whether brought by information or indictment, a separate supporting
7 information shall allege, in addition to the principal offense charged, a any former ~~conviction~~
8 ~~or convictions~~. If the information is in two separate parts, each part shall be signed by the
9 prosecutor. In the first part the particular offense with which the accused is charged shall be set
10 out, and in the other part the any former ~~conviction or convictions~~ shall be alleged. ~~Except as~~
11 ~~provided in § 32-23-3, the court may not permit an accused with any prior conviction to drive~~
12 ~~for the purpose of employment even if the prosecutor dismisses the second part of the~~
13 ~~information.~~

