

State of South Dakota

EIGHTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2012

754T0589

SENATE BILL NO. 135

Introduced by: Senator Lederman and Representatives Miller and Bolin

1 FOR AN ACT ENTITLED, An Act to revise the elements of the crimes of vehicular homicide
2 and vehicular battery.

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

4 Section 1. That § 22-16-41 be amended to read as follows:

5 22-16-41. Any person who, while under the influence of alcohol, drugs, or substances in a
6 manner and to a degree prohibited by § 32-23-1, without design to effect death, operates or
7 drives a vehicle of any kind ~~in a negligent manner~~ and thereby causes the death of another
8 person, including an unborn child, is guilty of vehicular homicide. Vehicular homicide is a Class
9 3 felony. In addition to any other penalty prescribed by law, the court shall order that the driver's
10 license of any person convicted of vehicular homicide be revoked for a period of not less than
11 ten years from the date sentence is imposed or ten years from the date of initial release from
12 imprisonment, whichever is later. In the event the person is returned to imprisonment prior to
13 the completion of the period of driver's license revocation, time spent imprisoned does not count
14 toward fulfilling the period of revocation.

15 Section 2. That § 22-18-36 be amended to read as follows:



1 22-18-36. Any person who, while under the influence of alcohol, drugs, or substances in a
2 manner and to a degree prohibited by § 32-23-1, without design to effect serious bodily injury,
3 operates or drives a motor vehicle of any kind ~~in a negligent manner~~ and thereby causes the
4 serious bodily injury of another person, including an unborn child, is guilty of vehicular battery.
5 Vehicular battery is a Class 4 felony. In addition to any other penalty prescribed by law, the
6 court shall order that the driver's license of any person convicted of vehicular battery be revoked
7 for a period of not less than three years from the date sentence is imposed or three years from
8 the date of initial release from imprisonment, whichever is later. In the event the person is
9 returned to imprisonment prior to the completion of the period of driver's license revocation,
10 time spent imprisoned does not count toward fulfilling the period of revocation.