

State of South Dakota

NINETIETH SESSION
LEGISLATIVE ASSEMBLY, 2015

882W0592

HOUSE BILL NO. 1134

Introduced by: Representatives Kaiser, Haugaard, Johns, and Schoenbeck and Senator Rusch

1 FOR AN ACT ENTITLED, An Act to revise certain provisions concerning the expungement
2 of arrest records.

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

4 Section 1. That § 23A-3-27 be amended to read as follows:

5 23A-3-27. An arrested person may apply to the court that would have jurisdiction over the
6 crime for which the person was arrested, for entry of an order expunging the record of the arrest:

- 7 (1) After one year from the date of any arrest if no accusatory instrument was filed;
- 8 (2) ~~With the consent of the prosecuting attorney at~~ At any time after the prosecuting
9 attorney formally dismisses the entire criminal case on the record; or
- 10 (3) At any time after an acquittal.

