

AN ACT

ENTITLED, An Act to increase the penalty for a driver of a motor vehicle who eludes a law enforcement officer.

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

Section 1. That § 32-33-18 be amended to read as follows:

32-33-18. Any driver of a motor vehicle who intentionally fails or refuses to bring a vehicle to a stop, or who otherwise flees or attempts to elude a pursuing law enforcement vehicle, when given visual or audible signal to bring the vehicle to a stop, is guilty of eluding. The signal given by the law enforcement officer may be by hand, voice, emergency light or siren. The officer giving the signal shall be in uniform, prominently displaying a badge of office, and the vehicle shall be appropriately marked showing it to be an official law enforcement vehicle.

Eluding is a Class 1 misdemeanor. In addition, the court shall order that the defendant's driver's license be suspended for one year, but may issue an order allowing the defendant a work permit. Any person who is found guilty of eluding is subject to the additional enhanced penalties if the course of eluding results in:

- (1) Death or great bodily injury to another person, a Class 4 felony; and
- (2) Substantial bodily injury to another person or property damage in excess of five hundred dollars to property belonging to a person other than the person eluding, a Class 6 felony.

For any subsequent violation, the court shall order that the defendant's driver's license be suspended for five years.

Section 2. That § 32-33-19 be repealed.

An Act to increase the penalty for a driver of a motor vehicle who eludes a law enforcement officer.

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I certify that the attached Act
originated in the

SENATE as Bill No. 103

Secretary of the Senate

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President of the Senate

Attest:

Secretary of the Senate

Speaker of the House

Attest:

Chief Clerk

Senate Bill No. 103
File No. _____
Chapter No. _____

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Received at this Executive Office
this ____ day of _____ ,

19__ at ____ M.

By _____
for the Governor

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The attached Act is hereby
approved this _____ day of
_____, A.D., 19__

Governor

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

Filed _____, 19__
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State