

State of South Dakota

SEVENTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 1997

248A0278

SENATE BILL NO. 103

Introduced by: Senators Whiting, Dennert, Ham, and Munson (David) and Representatives Duniphan, Brosz, and Koetzle

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

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

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

5 32-33-18. Any driver of a motor vehicle who intentionally fails or refuses to bring ~~his~~ a
6 vehicle to a stop, or who otherwise flees or attempts to elude a pursuing ~~police~~ law enforcement
7 vehicle, when given visual or audible signal to bring the vehicle to a stop, ~~shall be~~ is guilty of a
8 ~~misdemeanor~~ felony as provided by § 32-33-19. The signal given by the ~~police~~ law enforcement
9 officer may be by hand, voice, emergency light or siren. The officer giving ~~such~~ the signal shall
10 be in uniform, prominently displaying ~~his~~ a badge of office, and ~~his~~ the vehicle shall be
11 appropriately marked showing it to be an official ~~police~~ law enforcement vehicle.

12 Section 2. That § 32-33-19 be amended to read as follows:

13 32-33-19. Any person who flees from or attempts to elude a ~~police~~ law enforcement officer
14 under the circumstances described in § 32-33-18 is guilty of a ~~Class 1 misdemeanor~~ Class 4
15 felony. In addition to ~~such~~ that penalty, the court shall order that the defendant's driving privilege

1 be suspended for thirty days. However, the court may in its discretion issue an order permitting
2 the person to operate a motor vehicle for purposes of the person's employment during the hours
3 of the day and the days of the week as set forth in the order. The court may also order the
4 revocation of the defendant's driving privilege for a further period not to exceed one year or
5 restrict the privilege in such manner as the court determines for a period not to exceed one year.