

State of South Dakota

SEVENTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 1997

185A0581

SENATE BILL NO. 133

Introduced by: Senator Aker and Representative Matthews

1 FOR AN ACT ENTITLED, An Act to require persons convicted of driving under the influence
2 of alcohol or drugs to participate in certain education and evaluation by a chemical
3 dependency counselor.

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

5 Section 1. That § 32-23-2 be amended to read as follows:

6 32-23-2. If conviction for a violation of § 32-23-1 is for a first offense, such person is guilty
7 of a Class 1 misdemeanor, and the defendant's driving privileges shall be revoked for not less
8 than thirty days. The defendant shall also be required to attend at least eight hours of education
9 conducted by a certified chemical dependency counselor regarding the prevention of driving
10 under the influence of alcohol or drugs. However, the court may in its discretion issue an order
11 permitting the person to operate a motor vehicle for purposes of the person's employment or
12 attendance at court-ordered counseling programs during the hours of the day and the days of the
13 week as set forth in the order. The court may also order the revocation of the defendant's driving
14 privilege for a further period not to exceed one year or restrict the privilege in such manner as
15 it sees fit for a period not to exceed one year.

16 Section 2. That § 32-23-3 be amended to read as follows:

1 32-23-3. If conviction for a violation of § 32-23-1 is for a second offense, such person is
2 guilty of a Class 1 misdemeanor, and the court shall, in pronouncing sentence, unconditionally
3 revoke the defendant's driving privilege for a period of not less than one year. The defendant
4 shall also undergo an evaluation by a certified chemical dependency counselor to determine if the
5 defendant has an addiction to alcohol. The cost of the evaluation shall be paid by the defendant.
6 However, upon the successful completion of a court-approved alcohol treatment program, the
7 court may permit the person to drive for the purpose of employment and may restrict the
8 privilege by the imposition of such conditions as the court sees fit. If such person is convicted
9 of driving without a license during that period, the person shall be sentenced to the county jail
10 for not less than three days, which sentence may not be suspended.