

# State of South Dakota

SEVENTY-THIRD SESSION  
LEGISLATIVE ASSEMBLY, 1998

277B0587

HOUSE JUDICIARY COMMITTEE

ENGROSSED NO. **HB1213** - 2/11/98

**This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsors.**

Introduced by: Representatives Matthews and Volesky and Senators Aker, Albers, and Olson

1 FOR AN ACT ENTITLED, An Act to require certain persons convicted of driving under the  
2 influence of alcohol or drugs or related crime to participate in an evaluation, education, and  
3 treatment.

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

5 Section 1. Before pleading guilty or nolo contendere to first or second offense driving under  
6 the influence of alcohol or drugs or before pleading guilty or nolo contendere to reckless or  
7 careless driving arising out of an alcohol or drug related arrest, or after being found guilty at  
8 trial, a defendant shall have an alcohol or drug evaluation by:

9 (1) A chemical dependency counselor certified by the South Dakota Chemical  
10 Dependency Certification Board; or

11 (2) A person designated by tribal government to do evaluations, if the defendant is under  
12 tribal jurisdiction; or

13 (3) A licensed psychologist; or

14 (4) A licensed physician.

15 The defendant shall pay for the evaluation which shall be provided to the court. The court

1 shall consider the evaluation at sentencing.

2 For a first offense, the court may order the defendant to attend a sixteen-hour alcohol or drug  
3 education program approved by the South Dakota Chemical Dependency Certification Board  
4 or the South Dakota Division of Alcohol and Drug Abuse. After considering the defendant's  
5 alcohol or drug evaluation, the court may order additional education or treatment.  
6 Notwithstanding indigence, the defendant shall be responsible for the cost of the evaluation and  
7 education, and if ordered to treatment by the court, shall secure funding for the treatment cost.

8 For a second offense, after considering the defendant's alcohol or drug evaluation, the court  
9 may order in-patient or out-patient education or treatment in addition to the sixteen-hour alcohol  
10 or drug education program. Notwithstanding indigence, the defendant shall be responsible for  
11 the cost of the evaluation and education, and if ordered to treatment by the court, shall secure  
12 funding for the treatment cost.

1 **BILL HISTORY**

2 1/21/98 First read in House and referred to Judiciary. H.J. 153

3 2/2/98 Judiciary Deferred to another day.

4 2/2/98 Scheduled for Committee hearing on this date.

5 2/6/98 Scheduled for Committee hearing on this date.

6 2/6/98 Judiciary Deferred to another day.

7 2/9/98 Scheduled for Committee hearing on this date.

8 2/11/98 Scheduled for Committee hearing on this date.

9 2/11/98 Judiciary Do Pass Amended, Passed, AYES 9, NAYS 4.