

State of South Dakota

SEVENTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 1999

400C0405

HOUSE BILL NO. 1054

Introduced by: The Committee on Transportation at the request of the Department of
Transportation

1 FOR AN ACT ENTITLED, An Act to modify the minimum penalties for second or subsequent
2 offenses for driving under the influence.

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

4 Section 1. That § 32-23-3 be amended to read as follows:

5 32-23-3. If conviction for a violation of § 32-23-1 is for a second offense, such person is
6 guilty of a Class 1 misdemeanor, and the court shall, in pronouncing sentence, ~~unconditionally~~
7 ~~revoke the defendant's driving privilege for a period of not less than one year. However, upon~~
8 ~~the successful completion of a court-approved alcohol treatment program, the court may permit~~
9 ~~the person to drive for the purpose of employment and may restrict the privilege by the~~
10 ~~imposition of such conditions as the court sees fit. If such person is convicted of driving without~~
11 ~~a license during that period, the person shall be sentenced to the county jail for not less than three~~
12 ~~days, which sentence may not be suspended;~~

13 (1) Unconditionally revoke the defendant's driving privilege for a period of not less than
14 one year. If the person is convicted of driving without a license during that period, the
15 person shall be sentenced to the county jail for not less than three days, in addition to
16 any other penalties provided by law, which sentence may not be suspended;

1 (2) Order the impoundment or immobilization of each of the defendant's motor vehicles
2 for a period of time during the one-year revocation period or installation of an ignition
3 interlock system on each of the defendant's motor vehicles for a period of time
4 following the one-year revocation period;

5 (3) Order an assessment of the defendant's degree of abuse of alcohol and treatment as
6 appropriate; and

7 (4) Impose a sentence of not less than thirty days of community service or not less than
8 five days in county jail.

9 Section 2. That § 32-23-4 be amended to read as follows:

10 32-23-4. If conviction for a violation of § 32-23-1 is for a third offense, the person is guilty
11 of a Class 6 felony, and the court, in pronouncing sentence, shall ~~unconditionally revoke the~~
12 ~~defendant's driving privileges for such period of time as may be determined by the court, but in~~
13 ~~no event less than one year from the date sentence is imposed or one year from the date of~~
14 ~~discharge from incarceration, whichever is later. If the person is convicted of driving without a~~
15 ~~license during that period, he shall be sentenced to the county jail for not less than ten days,~~
16 ~~which sentence may not be suspended;~~

17 (1) Unconditionally revoke the defendant's driving privilege for such a period of time as
18 may be determined by the court, but in no event less than one year from the date
19 sentence is imposed or one year from the date of discharge from incarceration,
20 whichever is later. If the person is convicted of driving without a license during that
21 period, the person shall be sentenced to the county jail for not less than ten days, in
22 addition to any other penalties provided by law, which sentence may not be
23 suspended;

24 (2) Order the impoundment or immobilization of each of the defendant's motor vehicles
25 for a period of time during the one-year revocation period or installation of an ignition

1 interlock system on each of the defendant's motor vehicles for a period of time
2 following the one-year revocation period;

3 (3) Order an assessment of the defendant's degree of abuse of alcohol and treatment as
4 appropriate; and

5 (4) Impose a sentence of not less than sixty days of community service or not less than
6 ten days in jail.

7 Section 3. That § 32-23-4.6 be amended to read as follows:

8 32-23-4.6. If conviction for a violation of § 32-23-1 is for a fourth offense, or subsequent
9 offenses thereafter, and the person has previously been convicted of a felony under § 32-23-4,
10 the person is guilty of a Class 5 felony, and the court, in pronouncing sentence, shall
11 ~~unconditionally revoke the defendant's driving privileges for such period of time as may be~~
12 ~~determined by the court, but in no event less than two years from the date sentence is imposed~~
13 ~~or two years from the date of discharge from incarceration, whichever is later. If the person is~~
14 ~~convicted of driving without a license during that period, he shall be sentenced to the county jail~~
15 ~~for not less than twenty days, which sentence may not be suspended;~~

16 (1) Unconditionally revoke the defendant's driving privilege for such a period of time as
17 may be determined by the court, but in no event less than two years from the date
18 sentence is imposed or one year from the date of discharge from incarceration,
19 whichever is later. If the person is convicted of driving without a license during that
20 period, the person shall be sentenced to the county jail for not less than twenty days,
21 in addition to any other penalties provided by law, which sentence may not be
22 suspended;

23 (2) Order the impoundment or immobilization of each of the defendant's motor vehicles
24 for a period of time during the one-year revocation period or installation of an ignition
25 interlock system on each of the defendant's motor vehicles for a period of time

1 following the one-year revocation period;

2 (3) Order an assessment of the defendant's degree of abuse of alcohol and treatment as
3 appropriate; and

4 (4) Impose a sentence of not less than sixty days of community service or not less than
5 ten days in jail.