

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

367D0231

HOUSE BILL NO. 1067

Introduced by: Representatives Hennies, Brown (Richard), Lintz, and McIntyre and Senators Ham, Albers, Lawler, Reedy, Shoener, and Vitter

1 FOR AN ACT ENTITLED, An Act to extend the time period during which previous driving
2 while intoxicated convictions may be considered for determining subsequent offenses.

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

4 Section 1. That § 32-23-4.1 be amended to read as follows:

5 32-23-4.1. No previous conviction for, or plea of guilty to, a violation of § 32-23-1 occurring
6 more than ~~five~~ ten years prior to the date of the violation being charged may be used to
7 determine that the violation being charged is a second, third, or subsequent offense. However,
8 any period of time during which the defendant was incarcerated for a previous violation may not
9 be included when calculating if the time period provided in this section has elapsed.

10 Section 2. That § 32-23-4.5 be amended to read as follows:

11 32-23-4.5. Any conviction for, or plea of guilty to, an offense in another state which, if
12 committed in this state, would be a violation of § 32-23-1, and occurring within ~~five~~ ten years
13 prior to the date of the violation being charged, shall be used to determine if the violation being
14 charged is a second, third, or subsequent offense.