

State of South Dakota

SEVENTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2003

824I0768

HOUSE STATE AFFAIRS COMMITTEE ENGROSSED

NO. **HB 1282** - 02/12/2003

Introduced by: Representatives Peterson (Bill), Madsen, Michels, and Olson (Mel) and
Senators Bogue, Brown, and Moore

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the official records
2 relating to a pardon.

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

4 Section 1. That § 24-14-11 be amended to read as follows:

5 24-14-11. Any person who has been granted a pardon under the provisions of this chapter
6 shall be released from all disabilities consequent on ~~such~~ the person's conviction. Upon the
7 granting of a pardon under the provisions of this chapter, the Governor shall order that all official
8 records relating to the pardoned person's arrest, indictment or information, trial, and finding of
9 guilt, ~~and receipt of a pardon~~ shall be sealed. ~~The effect of such order is to restore such~~ The
10 pardon restores the person, in the contemplation of the law, to the status the person occupied
11 before arrest, indictment, or information. No person as to whom such order has been entered
12 may be held thereafter under any provision of any law to be guilty of perjury or of giving a false
13 statement by reason of such person's failure to recite or acknowledge such arrest, indictment,
14 information, or trial in response to any inquiry made of such person for any purpose.

15 For the sole purpose of consideration of the sentence of a defendant for subsequent offenses



1 or the determination of whether the defendant is a habitual offender under chapter 22-7 or 32-23,
2 the pardoned offense shall be considered a prior conviction.

3 The court shall forward a nonpublic record of disposition to the Division of Criminal
4 Investigation. The nonpublic record shall be retained solely for use by law enforcement agencies,
5 prosecuting attorneys, and courts in sentencing such person for any subsequent offense and in
6 determining whether or not, in any subsequent proceeding, the person is an habitual offender
7 under chapter 22-7 or 32-23.