

State of South Dakota

SEVENTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2003

824I0768

HOUSE BILL NO. 1282

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

1 FOR AN ACT ENTITLED, An Act to repeal certain provisions sealing 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, finding of guilt,~~
9 ~~and receipt of a pardon shall be sealed. The effect of such order is to restore such~~ The pardon
10 restores the person, in the contemplation of the law, to the status the person occupied before
11 arrest, indictment, or information. No person as to whom such order has been entered may be
12 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, the
2 pardoned offense shall be considered a prior conviction.