

State of South Dakota

SEVENTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2003

538I0516

SENATE BILL NO. 142

Introduced by: Senator Schoenbeck and Representative Madsen

1 FOR AN ACT ENTITLED, An Act to clarify the manner in which separate allegations of former
2 convictions may be brought in certain cases involving driving under the influence.

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

4 Section 1. That § 32-23-4.2 be amended to read as follows:

5 32-23-4.2. In any criminal case brought pursuant to the provisions of § 32-23-3, 32-23-4,
6 or 32-23-4.6, the whether brought by information or indictment, a separate supporting
7 information shall allege, in addition to the principal offense charged, a former conviction or
8 convictions, ~~and the.~~ If the information shall be ~~is~~ in two separate parts, each shall be signed by
9 the prosecutor. In the first part the particular offense with which the accused is charged shall be
10 set out, and in the other part the former conviction or convictions shall be alleged. Except as
11 provided in § 32-23-3, the court may not permit an accused with any prior conviction to drive
12 for the purpose of employment even if the prosecutor dismisses the second part of the
13 information.

