

# State of South Dakota

EIGHTIETH SESSION  
LEGISLATIVE ASSEMBLY, 2005

943L0549

## SENATE BILL NO. 98

Introduced by: Senators Abdallah, Adelstein, Bartling, Broderick, Duenwald, Duniphan, Earley, Gant, Gray, Greenfield, Hansen (Tom), Hanson (Gary), Knudson, Koetzle, Kooistra, Koskan, Lintz, McCracken, McNenny, Moore, Napoli, Nesselhuf, Schoenbeck, Smidt, Sutton (Dan), and Sutton (Duane) and Representatives Cutler, Garnos, Hackl, Hennies, Kraus, Krebs, McLaughlin, Murschel, Rhoden, Roberts, Sebert, Sigdestad, Weems, Wick, and Willadsen

1 FOR AN ACT ENTITLED, An Act to provide for specific penalties for certain fifth and  
2 subsequent offense driving under the influence convictions.

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

4 Section 1. That chapter 32-23 be amended by adding thereto a NEW SECTION to read as  
5 follows:

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



1 Section 2. That § 32-23-4.6 be amended to read as follows:

2 32-23-4.6. If conviction for a violation of § 32-23-1 is for a fourth offense, ~~or subsequent~~  
3 ~~offenses thereafter~~, and the person has previously been convicted of a felony under § 32-23-4,  
4 the person is guilty of a Class 5 felony, and the court, in pronouncing sentence, shall  
5 unconditionally revoke the defendant's driving privileges for such period of time as may be  
6 determined by the court, but in no event less than two years from the date sentence is imposed  
7 or two years from the date of discharge from incarceration, whichever is later. If the person is  
8 convicted of driving without a license during that period, ~~he~~ the person shall be sentenced to the  
9 county jail for not less than twenty days, which sentence may not be suspended.