

State of South Dakota

EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007

400N0334

HOUSE BILL NO. 1072

Introduced by: The Committee on Judiciary at the request of the Office of the Attorney General

1 FOR AN ACT ENTITLED, An Act to create a statewide 24/7 sobriety program, establish the
2 24/7 sobriety fund, and to make an appropriation therefor.

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

4 Section 1. There is hereby established a statewide 24/7 sobriety program to be administered
5 by the Office of the Attorney General. The program shall coordinate efforts among various state
6 and local government entities for the purpose of finding and implementing alternatives to
7 incarceration for certain offenses that involve driving under the influence and other offenses
8 involving alcohol.

9 Section 2. There is hereby established in the state treasury the 24/7 sobriety fund. The fund
10 shall be maintained and administered by the Office of the Attorney General to defray costs of
11 operating the 24/7 sobriety program, including purchasing and maintaining equipment and
12 funding support services. The Office of the Attorney General may accept for deposit in the fund
13 money from donations, gifts, grants, and user fees or payments. Expenditures from the fund
14 shall be budgeted through the normal budget process. Unexpended funds and interest shall
15 remain in the fund.



1 Section 3. Each county, through its sheriff, shall participate in the 24/7 sobriety program.
2 If twice a day testing is ordered, the sheriff shall establish the testing locations and times for
3 each county but shall have at least one location and two daily testing times approximately
4 twelve hours apart.

5 Section 4. The court may condition any bond or pre-trial release upon participation in the
6 24/7 sobriety program and payment of associated cost and expenses.

7 Section 5. The court may condition the granting of a suspended imposition of sentence,
8 suspended execution of sentence, or probation upon participation in the 24/7 sobriety program
9 and payment of associated cost and expense.

10 Section 6. The Board of Pardons and Paroles, the Department of Corrections, or any parole
11 agent may condition parole upon participation in the 24/7 sobriety program and payment of
12 associated cost and expense.

13 Section 7. The Office of the Attorney General, pursuant to chapter 1-26, may promulgate
14 rules for the administration of this Act to:

- 15 (1) Regulate the nature and manner of testing;
- 16 (2) Provide for procedures and apparatus for testing including electronic monitoring
17 devices;
- 18 (3) Set participation and user fees; and
- 19 (4) Require the submission of reports and information by law enforcement agencies
20 within this state.

21 Section 8. There is hereby appropriated from the general fund the sum of five hundred
22 thousand dollars (\$500,000), or so much thereof as may be necessary, to the Office of the
23 Attorney General, for the purpose of implementing the provisions of this Act.

24 Section 9. The attorney general shall approve vouchers and the state auditor shall draw

1 warrants to pay expenditures authorized by this Act.

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

3 32-23-23. Any driving permit issued by the court to any person, who has been convicted of
4 a violation of § 32-23-1 within the last ten years or any driving permit issued pursuant to § 32-
5 23-2, if that person had 0.17 percent or more by weight of alcohol in that person's blood, shall
6 be conditioned on the person's total abstinence from the use of alcohol, the person's participation
7 in the 24/7 sobriety program created by this Act, and payment of associated cost and expense.

8 The court shall immediately revoke the permit upon a showing of proof by a preponderance of
9 the evidence that the person has violated this condition.