

# State of South Dakota

EIGHTY-EIGHTH SESSION  
LEGISLATIVE ASSEMBLY, 2013

951U0369

## HOUSE BILL NO. 1092

Introduced by: Representatives Stevens, Bartling, Feinstein, Gibson, Gosch, Hajek, and  
Johns and Senators Kirkeby, Hunhoff (Jean), Lederman, Maher, and Rhoden

1 FOR AN ACT ENTITLED, An Act to revise certain provisions concerning the expungement  
2 of arrest records.

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

4 Section 1. That § 23A-3-27 be amended to read as follows:

5 23A-3-27. An arrested person may apply to the court that would have jurisdiction over the  
6 crime for which the person was arrested, for entry of an order expunging the record of the arrest:

- 7 (1) After one year from the date of any arrest if no accusatory instrument was filed;  
8 (2) ~~With the consent of the prosecuting attorney at~~ At any time after the prosecuting  
9 attorney formally dismisses the entire criminal case on the record; or  
10 (3) At any time after an acquittal.

