

State of South Dakota

EIGHTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2014

247V0465

HOUSE BILL NO. 1155

Introduced by: Representatives Haggar (Jenna), Anderson, Bolin, Campbell, Conzet, Craig, Cronin, Ecklund, Feickert, Gosch, Greenfield, Haggar (Don), Heinemann (Leslie), Hickey, Hoffman, Killer, Kirschman, Kopp, Latterell, Magstadt, Mickelson, Munsterman, Olson (Betty), Peterson, Qualm, Rasmussen, Ring, Rounds, Schoenfish, Soli, Stalzer, Steele, Verchio, Werner, Westra, Wick, and Wink and Senators Lederman, Begalka, Bradford, Frerichs, Jensen, Jones (Chuck), Maher, Monroe, Rampelberg, Rave, and Welke

1 FOR AN ACT ENTITLED, An Act to allow a court to vacate certain convictions if the offense
2 was committed as a result of human trafficking.

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

4 Section 1. Within a reasonable time but not more than one year after final judgment, the
5 court may, on motion of the defendant, vacate a conviction for a violation of chapter 22-23 or
6 other nonviolent offense that the defendant committed as a direct result of being a victim of
7 human trafficking.

8 Section 2. A court may grant a motion to vacate a conviction pursuant to section 1 of this
9 Act, if the court finds that the defendant committed the offense as a direct result of being a
10 victim of human trafficking. Official documentation from a federal, state, local, or tribal
11 government agency that indicates the petitioner was a victim of human trafficking at the time
12 of the offense creates a rebuttable presumption that the petitioner committed the offense as a



- 1 direct result of being a victim of human trafficking. However, an official determination or
- 2 documentation is not required for a court to grant a motion pursuant to section 1 of this Act.