

State of South Dakota

EIGHTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2014

940V0136

HOUSE BILL NO. 1258

Introduced by: Representatives Hunhoff (Bernie) and Stevens and Senator Hunhoff (Jean)

1 FOR AN ACT ENTITLED, An Act to allow for an affirmative defense of driving under the
2 influence of prescription drugs in certain cases.

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

4 Section 1. That § 32-23-6 be amended to read as follows:

5 32-23-6. The fact that any person charged with a violation of § 32-23-1 is or has been
6 prescribed a drug under the laws of this state is ~~not a~~ an affirmative defense against any charge
7 of violating § 32-23-1. If the person raises an affirmative defense pursuant to this section, the
8 burden is on the state to prove beyond a reasonable doubt that the prescription drug impaired
9 the defendant's ability to drive.

