



2021 South Dakota Legislature

Senate Bill 141

Introduced by: **Senator Rohl**

1 **An Act to provide for the automatic removal of certain marijuana convictions from**
 2 **a background check record.**

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

4 **Section 1.** That § 23A-3-34 be AMENDED.

5 **23A-3-34. Automatic removal of certain charges or convictions from**
 6 **background check record--Case record available to court personnel.**

7 Any charge or conviction resulting from ~~a case where a~~ the following shall be
 8 automatically removed from a defendant's public record if all court-ordered conditions on
 9 the case have been satisfied:

- 10 (1) A petty offense, municipal ordinance violation, or a Class 2 misdemeanor was the
 11 highest charged offense shall be automatically removed from a defendant's public
 12 record after ten years if all court ordered conditions on the case have been
 13 satisfied in the case and ten years have passed since the charge or conviction; or
 14 (2) A misdemeanor for the use or possession of marijuana or any derivative of
 15 marijuana was the highest charged offense in the case.

16 However, the case record ~~will remain~~ remains available to court personnel or as
 17 authorized by order of the court.