



2022 South Dakota Legislature
Senate Bill 151
ENROLLED

AN ACT

ENTITLED An Act to revise the automatic removal of certain convictions from a background check record.

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

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

23A-3-34. Any case consisting of the following charges or convictions must be automatically removed from a defendant's public record five years after disposition if all court-ordered conditions on the case have been satisfied and the defendant has not been convicted of any further offenses within those five years:

- (1) A case in which all charges are petty offenses, municipal ordinance violations, or Class 2 misdemeanors; or
- (2) A case in which all charges are petty offenses, municipal ordinance violations, Class 2 misdemeanors, and Class 1 misdemeanors for the use or possession of marijuana or any derivative of marijuana.

Following the removal of any charge or conviction under this section, no person may be held under any provision of law to be guilty of perjury or of giving a false statement by reason of the person's failure to recite or acknowledge the person's arrest, indictment or information, or trial in response to any inquiry made of the person for any purpose. However, the case record remains available to court personnel, the Division of Criminal Investigation, or as authorized by order of the court and may be used as an enhancement in the prosecution of subsequent offenses as provided by law.

An Act to revise the automatic removal of certain convictions from a background check record.

I certify that the attached Act originated in the:
Senate as Bill No. 151

Received at this Executive Office this ____ day of _____, 2022 at _____ M.

Secretary of the Senate

By _____ for the Governor

President of the Senate

The attached Act is hereby approved this _____ day of _____, A.D., 2022

Attest:

Secretary of the Senate

Governor

STATE OF SOUTH DAKOTA,

ss.

Office of the Secretary of State

Speaker of the House

Attest:

Filed _____, 2022 at _____ o'clock ___ M.

Chief Clerk

Secretary of State

Senate Bill No. 151
File No. _____
Chapter No. _____

By _____
Asst. Secretary of State