



2021 South Dakota Legislature

Senate Bill 169

SENATE TRANSPORTATION ENGROSSED

Introduced by: **Senator Novstrup**

1 **An Act to revise the time requirement for the automatic removal of speeding**
 2 **violations from 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 petty offense, municipal
 8 ordinance violation, or a Class 2 misdemeanor was the highest charged offense shall be
 9 automatically removed from a defendant's public record after ten years if all court-ordered
 10 conditions on the case have been satisfied. If the highest charged offense in a case was a
 11 Class 2 misdemeanor charged under chapter 32-25 or a violation of a municipal ordinance
 12 regulating speed, the charge or conviction shall be automatically removed from a
 13 defendant's public record after five years if all court-ordered conditions on the case have
 14 been satisfied, if the defendant was not driving pursuant to a commercial driver's license
 15 at the time of the offense, and only for a defendant's first violation under either chapter
 16 32-25 or a municipal ordinance regulating speed. Thereafter, a further charge for a Class
 17 2 misdemeanor or municipal ordinance regulating speed shall be automatically removed
 18 from a defendant's public record after ten years if all court-ordered conditions on the case
 19 have been satisfied years if all court-ordered conditions on the case have been satisfied.
 20 However, the case record will remain available to court personnel or as authorized by
 21 order of the court.