

State of South Dakota

EIGHTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2012

193T0145

SENATE BILL NO. 172

Introduced by: Senator Tieszen and Representative Hansen (Jon)

1 FOR AN ACT ENTITLED, An Act to toll any conviction for operation of a boat while under
2 the influence when calculating the number of offenses for enhancement of a driving under
3 the influence charge.

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

5 Section 1. That § 32-23-4.1 be amended to read as follows:

6 32-23-4.1. No previous conviction for, or plea of guilty to, a violation of § 32-23-1, 22-18-
7 36, 42-8-45, or 22-16-41 occurring more than ten years prior to the date of the violation being
8 charged may be used to determine that the violation being charged is a second, third, or
9 subsequent offense. However, any period of time during which the defendant was incarcerated
10 for a previous violation may not be included when calculating if the time period provided in this
11 section has elapsed.

12 Section 2. That § 32-23-4.5 be amended to read as follows:

13 32-23-4.5. Any conviction for, or plea of guilty to, an offense in another state which, if
14 committed in this state, would be a violation of § 32-23-1, 22-18-36, 42-8-45, or 22-16-41 and
15 occurring within ten years prior to the date of the violation being charged, shall be used to



1 determine if the violation being charged is a second, third, or subsequent offense.

2 Section 3. That § 32-23-4.8 be amended to read as follows:

3 32-23-4.8. For purposes of determining whether a conviction for a violation of § 32-23-1
4 is for a second or subsequent offense, any conviction for a violation of § 22-18-36, 42-8-45, or
5 22-16-41 counts as a conviction of § 32-23-1.

6 Section 4. That chapter 32-23 be amended by adding thereto a NEW SECTION to read as
7 follows:

8 No conviction, or plea of guilty to, a violation of § 42-8-45 occurring prior to July 1, 2012,
9 may be used to determine that the violation being charged is a second, third, or subsequent
10 offense.