



2021 South Dakota Legislature

Senate Bill 174

Introduced by: **Senator Wheeler**

1 **An Act to revise provisions related to the automatic removal of certain charges or**
 2 **convictions from a defendant's public 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. Defendant's public record--Automatic removal of non-felony**
 6 **charges or convictions--Case record available.**

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~~ three years if all court-
 10 ordered conditions on the case have been satisfied. Any charge or conviction resulting
 11 from a case where a Class 1 misdemeanor was the highest charged offense shall be
 12 automatically removed from a defendant's public record after ten years if all court-ordered
 13 conditions on the case have been satisfied. However, the case record ~~will remain~~ remains
 14 available to court personnel or as authorized by order of the court and may be used as an
 15 enhancement in the prosecution of subsequent offenses as provided by law.