

# State of South Dakota

EIGHTY-FOURTH SESSION  
LEGISLATIVE ASSEMBLY, 2009

556Q0653

## HOUSE BILL NO. 1208

Introduced by: Representatives Engels, Cutler, Hamiel, Hoffman, Lust, Russell, Schlekeway,  
and Turbiville and Senators Maher, Abdallah, and Schmidt

1 FOR AN ACT ENTITLED, An Act to establish certain presumptions concerning the results of  
2 blood, breath, and urine tests administered in connection with driving under the influence  
3 arrests.

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

5 Section 1. That chapter 32-23 be amended by adding thereto a NEW SECTION to read as  
6 follows:

7 The alcohol concentration established by the results of an analysis of a specimen of the  
8 defendant's blood, breath, or urine withdrawn within two hours after the defendant was driving  
9 or in physical control of a motor vehicle is presumed to be the alcohol concentration at the time  
10 of driving or being in physical control of the motor vehicle.

