

State of South Dakota

EIGHTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2014

187V0130

SENATE BILL NO. 163

Introduced by: Senators Lucas, Begalka, Bradford, Buhl O'Donnell, Jensen, Jones (Tom), Kirkeby, Monroe, Novstrup (Al), Omdahl, Otten (Ernie), Sutton, Tieszen, Van Gerpen, and Welke and Representatives Hickey, Bartling, Bolin, Craig, Duvall, Ecklund, Gibson, Greenfield, Hawks, Hoffman, Hunhoff (Bernie), Kaiser, Killer, Kopp, Latterell, Magstadt, May, Mickelson, Munsterman, Olson (Betty), Parsley, Qualm, Schaefer, Schoenfish, Sly, Soli, Steele, Tulson, Tyler, Verchio, and Werner

1 FOR AN ACT ENTITLED, An Act to prohibit a social host from permitting the underage
2 consumption of alcoholic beverages on the social host's premises, to provide penalties
3 therefor, and to repeal the common nuisance provision.

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

5 Section 1. That chapter 35-9 be amended by adding thereto a NEW SECTION to read as
6 follows:

7 No person, acting as a social host, may, knowingly, permit any person under the age of
8 eighteen to illegally consume any alcoholic beverage, regardless of the providence of the
9 alcoholic beverage, on or at the premises of the person acting as social host. Any violation of
10 this section is a Class 1 misdemeanor.

11 Section 2. That chapter 35-9 be amended by adding thereto a NEW SECTION to read as
12 follows:



1 No person, acting as a social host, may, knowingly, permit any person aged eighteen,
2 nineteen, or twenty to illegally consume any alcoholic beverage, regardless of the providence
3 of the alcoholic beverage, on or at the premises of the person acting as social host. Any violation
4 of this section is a Class 2 misdemeanor.

5 Section 3. That chapter 35-9 be amended by adding thereto a NEW SECTION to read as
6 follows:

7 It is a defense against a conviction for a violation of sections 1 and 2 of this Act that,
8 immediately upon learning of the illegal consumption, the social host or an agent of the social
9 host took effective and appropriate action to stop the illegal consumption and to secure or to
10 attempt to secure the contraband alcoholic beverages.

11 Section 4. That chapter 35-9 be amended by adding thereto a NEW SECTION to read as
12 follows:

13 It is not a defense of a violation of sections 1 and 2 of this Act that the social host was not
14 physically present on or at the premises if the social host knew that illegal consumption of
15 alcoholic beverages would occur in his or her absence.

16 Section 5. That § 35-10-17 be repealed.

17 ~~—35-10-17. Any structure, conveyance, or place where alcoholic beverages are manufactured,~~
18 ~~sold, kept, bartered, given away, found, consumed, or used in violation of the laws of the state,~~
19 ~~relating to alcoholic beverages, and all alcoholic beverages and property kept and used in~~
20 ~~maintaining the same, is hereby declared to be a common nuisance, and any person who~~
21 ~~maintains such a common nuisance is guilty of a Class 1 misdemeanor.~~