

State of South Dakota

NINETY-FIRST SESSION
LEGISLATIVE ASSEMBLY, 2016

459X0258

SENATE ENGROSSED NO. **SB 97** - 02/18/2016

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.

Introduced by: Senators Tieszen, Bradford, Brown, Ewing, Frerichs, Haverly, Hunhoff (Bernie), Novstrup (David), Olson, Otten (Ernie), Rusch, Shorma, Soholt, and Solano and Representatives Wollmann, Beal, Bolin, Deutsch, DiSanto, Dryden, Gibson, Gosch, Holmes, Jensen (Alex), Johns, Mickelson, Novstrup (Al), Otten (Herman), Partridge, Rasmussen, Rounds, Schoenbeck, Stevens, Westra, Willadsen, and Zikmund

1 FOR AN ACT ENTITLED, An Act to provide for the automatic removal of all petty offenses,
2 municipal ordinance violations, and Class 2 misdemeanor charges or convictions from
3 background check records after ten years under certain conditions.

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

5 Section 1. That chapter 23A-3 be amended by adding a NEW SECTION to read:

6 Any charge or conviction resulting from a case where a petty offense, municipal ordinance
7 violation, or a Class 2 misdemeanor was the highest charged offense shall be automatically
8 removed from a defendant's public record after ten years if all court-ordered conditions on the
9 case have been satisfied. However, the case record will remain available to court personnel or
10 as authorized by order of the court.

