

AN ACT

ENTITLED, An Act to provide that certain minors who have been adjudicated for driving under the influence be defined as children in need of supervision.

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

Section 1. That § 32-23-21 be amended to read as follows:

32-23-21. It is a Class 2 misdemeanor for any person under the age of twenty-one years to drive, operate, or be in actual physical control of any motor vehicle:

- (1) If there is physical evidence of 0.02 percent or more by weight of alcohol in the person's blood as shown by chemical analysis of the person's breath, blood, or other bodily substance; or
- (2) After having consumed marijuana or any controlled drug or substance for as long as physical evidence of the consumption remains present in the person's body.

If a person is found guilty of or adjudicated for a violation of this section, the Unified Judicial System shall notify the Department of Public Safety. Upon conviction or adjudication, the court shall suspend that person's driver's license or operating privilege for a period of six months for a first offense or one year for any second or subsequent offense. However, the court may, in its discretion, issue an order permitting the person to operate a motor vehicle during the hours and days of the week set forth in the order for purposes of the person's employment, attendance at school, or attendance at court-ordered counseling programs.

Section 2. That § 26-8B-2 be amended to read as follows:

26-8B-2. In this chapter and chapter 26-7A, the term, child in need of supervision, means:

- (1) Any child of compulsory school age who is habitually absent from school without legal excuse;
- (2) Any child who has run away from home or is otherwise beyond the control of the child's

parent, guardian, or custodian;

- (3) Any child whose behavior or condition endangers the child's own welfare or the welfare of others;
- (4) Any child who has violated any federal, state, or local law or regulation for which there is not a penalty of a criminal nature for an adult, except violations of subdivision 34-46-2(2), or petty offenses; or
- (5) Any child who has violated § 35-9-2 or 32-23-21.

Section 3. That § 26-8C-2 be amended to read as follows:

26-8C-2. In this chapter and chapter 26-7A, the term, delinquent child, means any child ten years of age or older who, regardless of where the violation occurred, has violated any federal, state, or local law or regulation for which there is a penalty of a criminal nature for an adult, except state or municipal hunting, fishing, boating, park, or traffic laws that are classified as misdemeanors, or petty offenses or any violation of § 35-9-2 or 32-23-21.

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I certify that the attached Act
originated in the

SENATE as Bill No. 56

Secretary of the Senate
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President of the Senate

Attest:

Secretary of the Senate

Speaker of the House

Attest:

Chief Clerk

Senate Bill No. 56
File No. _____
Chapter No. _____

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Received at this Executive Office
this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor
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The attached Act is hereby
approved this _____ day of
_____, A.D., 20____

Governor

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STATE OF SOUTH DAKOTA,
ss.
Office of the Secretary of State

Filed _____, 20____
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State