

# State of South Dakota

SEVENTY-NINTH SESSION  
LEGISLATIVE ASSEMBLY, 2004

970J0365

## SENATE BILL NO. 64

Introduced by: Senators Schoenbeck, de Hueck, and Koskan and Representatives Madsen,  
Garnos, and Juhnke

1 FOR AN ACT ENTITLED, An Act to permit the filing of an allegation of habitual criminality  
2 after arraignment under certain circumstances.

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

4 Section 1. That § 22-7-11 be amended to read as follows:

5 22-7-11. ~~Any~~ Any allegation that a defendant is an habitual criminal ~~must~~ shall be filed as  
6 a separate information at the time of, or before, ~~his or her~~ arraignment. However, the court may,  
7 upon motion, permit the separate information to be filed after the arraignment, but before the  
8 commencement of trial or entry of a plea of guilty or nolo contendere. The information ~~must~~ shall  
9 state the times, places, and specific crimes alleged to be prior convictions and ~~must~~ shall be  
10 signed by the prosecutor. An official court record under seal or a criminal history together with  
11 fingerprints certified by the public official having custody thereof ~~will be~~ is sufficient to be  
12 admitted in evidence without further foundation to prove the allegation that the defendant is an  
13 habitual criminal.

