



2024 South Dakota Legislature
House Bill 1047
ENROLLED

AN ACT

ENTITLED An Act to enhance the penalties for eluding law enforcement.

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

Section 1. That § 32-33-18.1 be AMENDED:

32-33-18.1. Any driver of a vehicle who, after failing or refusing to bring a vehicle to a stop pursuant to § 32-33-18, flees from the law enforcement officer or attempts to elude the pursuit of the law enforcement officer is guilty of third degree eluding. Third degree eluding is a Class 1 misdemeanor. In addition, the court may order that the defendant's driver's license be revoked for up to one year, but may issue an order, upon proof of financial responsibility pursuant to § 32-35-43.1, allowing the defendant to operate a vehicle for purposes of the defendant's employment, attendance at school, or counseling programs.

Section 2. That § 32-33-18.2 be AMENDED:

32-33-18.2. Any driver of a vehicle who, after failing or refusing to bring a vehicle to a stop pursuant to § 32-33-18, flees from a law enforcement officer or attempts to elude the pursuit of a law enforcement officer is guilty of second degree eluding if, at any time during the flight or pursuit, the driver operates the vehicle in a manner that constitutes an inherent risk of death or serious bodily injury to any third person.

Second degree eluding is a Class 6 felony. In addition, the court may order that the defendant's driver's license be revoked for up to one year, but may issue an order, upon proof of financial responsibility pursuant to § 32-35-43.1, allowing the defendant to operate a vehicle for purposes of the defendant's employment, attendance at school, or counseling programs. For any subsequent second degree eluding violation, the court must order that the defendant's driver's license be revoked for five years.

Section 3. That chapter 32-33 be amended with a NEW SECTION:

Any driver of a vehicle who, after failing or refusing to bring a vehicle to a stop pursuant to § 32-33-18, flees from a law enforcement officer or attempts to elude the pursuit of a law enforcement officer and does so in a manner that constitutes an inherent risk of death or serious bodily injury to any third person and causes serious bodily injury to another person is guilty of first degree eluding.

First degree eluding is a Class 4 felony. In addition, the court shall order that the defendant's driver's license be revoked for a period of not less than three years from the date the sentence is imposed or three years from the date of initial release from imprisonment, whichever is later. In the event the defendant is returned to imprisonment prior to the completion of the period of driver's license revocation, time spent imprisoned does not count toward fulfilling the period of revocation.

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I certify that the attached Act originated in the:
House as Bill No. 1047

Received at this Executive Office this ____ day of _____, 2024 at _____ M.

Chief Clerk

By _____ for the Governor

Speaker of the House

The attached Act is hereby approved this _____ day of _____, A.D., 2024

Attest:

Chief Clerk

Governor

STATE OF SOUTH DAKOTA,

ss.

Office of the Secretary of State

President of the Senate

Attest:

Filed _____, 2024 at _____ o'clock ___ M.

Secretary of the Senate

Secretary of State

House Bill No. 1047
File No. _____
Chapter No. _____

By _____
Asst. Secretary of State