

AN ACT

ENTITLED, An Act to grant limited immunity from arrest and prosecution for certain alcohol related offenses to persons who assist a person in need of emergency assistance or who are themselves in need of emergency assistance.

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

Section 1. That the code be amended by adding a NEW SECTION to read:

No person may be arrested or prosecuted for any misdemeanor offense of underage consumption, open container, or public intoxication, arising out of underage consumption of alcohol if that person contacts any law enforcement or emergency medical services and reports that a person is in need of emergency medical assistance due to alcohol consumption and that person:

- (1) Assists the person in need of emergency medical assistance until assistance arrives; and
- (2) Remains and cooperates with medical assistance and law enforcement personnel on the scene.

Section 2. That the code be amended by adding a NEW SECTION to read:

No person under the age of twenty-one years may be prosecuted for any misdemeanor offense of underage consumption, open container, or public intoxication, arising out of underage consumption of alcohol if that person contacts law enforcement or emergency medical services and reports that he or she is in need of medical assistance due to alcohol consumption and that person remains and cooperates with medical assistance and law enforcement personnel on the scene.

An Act to grant limited immunity from arrest and prosecution for certain alcohol related offenses to persons who assist a person in need of emergency assistance or who are themselves in need of emergency assistance.

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I certify that the attached Act originated in the

HOUSE as Bill No. 1078

\_\_\_\_\_  
Chief Clerk

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\_\_\_\_\_  
Speaker of the House

Attest:

\_\_\_\_\_  
Chief Clerk

\_\_\_\_\_  
President of the Senate

Attest:

\_\_\_\_\_  
Secretary of the Senate

House Bill No. 1078  
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