YOTES & LOCAL LAWS

UNIVERSITY OF SOUTH DAKOTA
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- All fines and fees stated here are AVERAGE values; the maximum fees and fines that can be levied are substantially higher.

- The State Board of Regents prohibits the manufacture, sale, possession, use or consumption of alcohol, marijuana, or controlled substances by students on any property controlled by the Board of Regents or used in connection with any institutionally sponsored activity; except that alcohol may be served at social activities held in other locations subject to the restrictions set out in this article. (except as permissible under BOR Policy 4:27(E)
SDBOR MANDATORY SANCTIONS FOR ALCOHOL VIOLATIONS

First Offense: Conduct sanction for the initial infraction shall be determined under local regulations which may provide for a mandatory substance abuse assessment. The fine for a first alcohol offense at USD ranges from $50.00 to $100.00.

Second Offense: If, at any time during their enrollment within the system, students commit a second offense under the alcohol, marijuana, and controlled substances policy, they shall be fined $100.00 and placed on conduct probation.

Third Offense: If, at any time during their enrollment within the system, students commit a third alcohol, marijuana or controlled substances offense, they shall either be suspended for one semester or, in compelling circumstances, be permitted to continue attendance subject to conduct probation while participating in an approved substance abuse treatment program at their own expense.

The foregoing sanctions, together with such actions as may be imposed pursuant to local regulations for initial infractions, are minimum sanctions. The reference to them does not preclude the institution from imposing more severe sanctions at any level, including expulsion, where the facts and circumstances of the infraction warrant such action.

Where an infraction of Board alcohol, marijuana, or controlled substances policies appears also to constitute a criminal offense under SD law or Federal law, the institution may refer the matter to law enforcement authorities. Where the facts suggest a felony offense, such referral shall be mandatory. Referral of a matter to law enforcement authorities shall not require suspension of conduct proceeding nor delay imposition of discipline.
Q: What happens if I have a loud party or law enforcement officers have approached my house or apartment on numerous occasions relating to a party atmosphere?

A: A person could be charged with Disorderly Conduct or a Disorderly House, both Class 2 misdemeanors.

130.19 Disorderly Conduct (1975 Code, 15-27)
(Am. Ord. 1129, passed 5-17-2004) Penalty see 10.99
130.25 Disorderly House (1975 Code, 15-33) Penalty see 10.99

If the officers approach any place or structure relating to a party atmosphere and find alcohol violations (beverages are manufactured, sold, kept, bartered, given away, found, consumed, or used in violation of the laws of the state), you could be charged with Maintaining a Common Nuisance, a Class 1 misdemeanor.

Ref. South Dakota Codified Laws Section [35-10-17]

Effective July 1, 2014: A social host may not knowingly permit any person age 18-20 to illegally consume any alcoholic beverage, regardless of the source of the alcoholic beverage, on or at the premises of the person acting as a social host. Violating this law is a Class 2 misdemeanor. “Social Host” is defined as anyone who hosts a social gathering and knowingly condones the illegal consumption of alcohol by a person on property that the host controls. Additionally, it is NOT a defense that the social host was not physically present on or at the premises if the social host knew that illegal consumption of alcoholic beverages would occur in his or her absence.
If the police respond to a loud party, or other criminal event at a rental property in Vermillion they will warn the responsible parties of the City Ordinance regarding Aggravated Public Nuisance. An Aggravated Public Nuisance is a residential property where the manager(s), owner(s) or occupant(s), including invitees, conduct, permit, allow, authorize, commit, or are convicted of the following offenses or violations on the premises within a 365-day period: (a) Two or more felonies, (b) Two or more state or federal criminal drug offenses, (c) Three or more separate incidents of 1) Disorderly Conduct, 2) Assault, 3) Malicious Mischief, 4) Domestic Violence, 5) Minor in Possession, or 6) Unlawful Use of Weapons, (d) Three or more noise violations.

Once an Aggravated Public Nuisance has been identified, the manager or owner will be notified and provided a time frame to meet with the City for a resolution to the nuisance. A nuisance abatement agreement could result and may consist of consequences for potential eviction of tenants and/or other persons responsible for the nuisance, in accordance with City Ordinance 90.21.

**Disorderly Conduct:**
- Fighting/Violent threatening behavior making unreasonable noise
- Disturbing any assembly or meeting
- Obstruction of vehicular or pedestrian traffic

City Ordinance 130.19 (Ord. 1129, Passed 5-17-2004) Penalty see 10.99

**Disorderly House:** House or resort by which the peace and comfort of the community is annoyed or disturbed, or any unlawful act is done or performed.

**Penalty:** Up to 30 days imprisonment in a county jail, or $500 fine, or both. In Vermillion, the fine for a Disorderly House & Disorderly Conduct is approximately $164.
Q. What happens if I consume alcoholic beverages in a public place?

A. According to the City Ordinance 112.14 a person could be charged with having an Open Receptacle in a PUBLIC PLACE, a Class 2 Misdemeanor. An open receptacle could include any open can, bottle or other container in which there shall be any quantity of beer or other alcohol beverage.

(Ord. 1181, Passed 2-19-2008)
Penalty see 10.99 (city Ord. 112.14 Open Receptacles in Public Areas Prohibited)

Public Places Include:

- Streets and Alleys
- Sidewalks of parks or public grounds
- Any other places which are deemed “public”

Up to 30 day imprisonment in a county jail, or $500 fine, or both. In Vermillion, the fine is typically $120. If you are under 21, you could also be charged with purchase, possession, or consumption of alcohol beverages.

PUBLIC URINATION AND DEFECATION IS PROHIBITED

Any person who urinates or defecates on any public street, alley, sidewalk, or floor of any public building or of any building where the public gathers or has access, or in any other place, whether public or private, where the act could be observed by any member of the public, except in the place that has been designated as a restroom is guilty of an offense and in violation of this section.
Clay County Magistrate Court

A THIRD OFFENSE Minor in Consumption WILL be issued a two-day jail sentence. Repeat offenders expect enhanced consequences and penalties such as increased jail time, fines, and the number of days your driver license is suspended.

STATE OF SOUTH DAKOTA LAWS

Q: What happens if I furnish alcohol to a person who is under the age of 21 but over the age of 18?

A: A person could be charged with furnishing alcohol to age 18 to 21 (prior to 21st birthday) - A class 2 misdemeanor. Furnishing alcohol to age 18 to 21 is when a person sells or gives alcoholic beverages to any person 18 years or older but less than 21 years of age, unless done in the immediate presence of a parent, guardian, or spouse over 21 years of age.

Ref. South Dakota Codified Laws Section [35-9-1.1], [35-9-7]

Penalty: Up to 30 days in imprisonment in a county jail, or $500 fine, or both. Driving privileges shall be suspended for a minimum of 30 days. In Vermillion the fine is generally $120.00

Q: What happens if I furnish alcohol to a person under the age of 18?

A: A person could be charged with furnishing alcohol to a minor under 18, a Class 1 misdemeanor. Furnishing alcohol to a minor under 18 is when a person sells or gives alcoholic beverages to any person under the age of 18 years unless done in the immediate presence of a parent, guardian, or spouse over age 21. (Ref. South Dakota Codified Laws Section [35-9-1.1], [35-9-7])

Penalty: Up to one-year imprisonment in a county jail, or $2000.00 fine, or both and a revocation of driving privileges for a minimum of 30 days.

Q: What happens if I have a party at which alcohol is present and law enforcement officers approach my residence relating to the party atmosphere?

A: If minors are present, a separate charge/offense can be given for each (10 minors = 10 charges). Regardless of the age of the participants, if you sell alcohol at the party OR just sell a cup or container OR charge admission to the premises, you may be charged with “trafficking alcohol,” a Class 1 misdemeanor. (Ref. South Dakota Codified Laws Section 35-1-4)

Penalty: Up to one-year imprisonment in a county jail, or $2000 fine, or both. In Vermillion, jail time is probable and the fine will generally be between $500 and $1000.00
Q: What happens if I purchase, possess, or consume alcoholic beverages while under the age of 21?

A: It is a Class 2 Misdemeanor for any person under the age of 21 years to purchase, attempt to purchase or possess or consume alcoholic beverages, or to misrepresent his or her age with the use of any document for the purpose of purchasing or attempting to purchase alcoholic beverages.

Ref. South Dakota Codified laws Section [35-9-2]

The Vermillion Police Department and Clay County Sheriff Deferred Minor in Possession:
(If a person:)
- Is charged with their first violation of Underage Consumption (SDCL 35-9-2),
- Had no other charges from the contact where they received their first violation,
- And is willing to participate in an intensive sobriety program, which includes breath alcohol tests twice a day.

They may be able to participate in a program that would allow them to not have the first violation charged in court. For more information, contact the Vermillion Chief of Police or the Clay County Sheriff.

Penalty: Up to 30 days imprisonment in a county jail, or $500 fine, or both. In Clay County, the fine for underage possession and consumption is approximately $120 if you are 18-21. For the first offense, mandatory court appearance is required along with suspension of driving privileges for 30 days. If a person is under 18, a juvenile court appearance is required.

Q: What happens if I get caught using a fake ID, using another person’s ID, or giving a law enforcement office false information?

A: A person could be charged with possession of revoked or altered license; display or possession of canceled, fictitious, or fraudulently altered non-drivers identification card; displaying another’s non-drivers identification card; false personation with intent to deceive law enforcement officer; or displaying another’s license.

These are Class 1 misdemeanors. A person could be detained until the officer determines the person’s identity, which could take a few minutes or a few hours. This includes: showing a fake ID to a police officer;
using another person’s identification; giving a fake name, date of birth, or social security number to a law enforcement officer.

**Penalty:** Up to one-year imprisonment in a county jail, $2000 fine, or both. In Clay County, the fine is typically $300 plus $84 in court costs. Additionally, the violation can damage the individual’s credibility which may hurt him or her later in life. The Department of Public Safety may suspend driving privileges for one year if a licensed South Dakota driver is caught using a fake or altered ID.

Q: What happens if I transport beverages which are opened in my vehicle and the alcohol is not locked away in the trunk or another secure location?

A: A person could be charged with possession of an unsealed package in a vehicle, a class 2 misdemeanor, if the seal of the original package is broken or a person has immediate access to the alcoholic beverages. If a person is pulled over by law enforcement and has an open alcohol container in their vehicle, he or she could be charged.

Ref. South Dakota Codified laws Section [35-1-9.1]

**Penalty:** Up to 30 imprisonment in a county jail and/or a $500 fine. In Vermillion, the fine is generally $114 if it is charged as a violation of a city ordinance, $120 if it is charged as a state offense.

A person under the age of 21 could also be charged with Possession of Alcoholic Beverages by a Minor, in addition to Possession of an Unsealed Package in a vehicle resulting in additional fines and suspension of the operator’s driver license.
Q. What happens if I text and drive?

A. The State of South Dakota has banned texting and driving in South Dakota, which is enforced as a secondary offense. The City of Vermillion also has an ordinance banning texting and driving. The City Ordinance is NOT a secondary offense. The Vermillion Police actively enforce the texting ban within the City of Vermillion. Be safe, don’t be distracted while driving. Put the phone away.

**Penalty:** City of Vermillion Ordinance 70.058: Prohibition of use of electronic message.

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**No person may operate or be in actual physical control of a motor vehicle while using a handheld wireless communication device to compose, read, or send an electronic message when the vehicle is in motion or where the motor vehicle constitutes a part of the flow of traffic or an obstruction and hazard to traffic.**

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**THE COST OF A FIRST OFFENSE DUI**

**Penalty:** A maximum of one-year imprisonment in a county jail, or $2000.00 fine, or both.

**Typical Clay County Penalty:**
$350 Fine | $85 Blood Test | $84 Court Costs

**A person’s Driver License will be revoked for:**
30 days if 21 or over | 120 days if under 21.

In Clay County, a person will generally spend five days in jail or a judge may suspend the jail time on the condition the person completes and complies with an alcohol assessment. The judge may require a person to attend DUI classes with cost about $150, or a 24/7 program, which includes either twice daily breathalyzers or SCRAM alcohol detecting ankle bracelets, is required in order to obtain a work or school permit to drive.
SOUTH DAKOTA ZERO TOLERANCE LAW

A person can be charged with a Class 2 misdemeanor DUI if they are under 21 years of age, driving or in control of a vehicle and they have a blood alcohol concentration of .02 or more, or there is physical evidence through a blood, urine, or other bodily substance test that shows use of marijuana or other controlled substance has taken place.

Penalty: A maximum of 30 imprisonment in a county jail or $500 fine, or both.

Typically in Clay County the penalty includes: $120 Fine | $85 Blood test, and a period of driver license suspension

Payment Options:
A South Dakota resident is generally requested to pay at least half of the fines and costs on the day of sentencing or within 30 days.
A nonresident is generally requested to pay all of the fines and costs and sentencing.

*All fines and fees state here are AVERAGE values. The maximum fees and fines that can be levied are substantially higher.

Attorney Costs
USD Student Government Association (SGA) offers legal services to registered USD students at no charge in assisting with a DUI. Approximate fines could range from $700 -- $4000.

Insurance Costs
Drivers with a DUI conviction have found it increasingly difficult to find insurance.
Vehicle Impound Costs
In Clay County, towing a vehicle costs a minimum of $50. A $10 charge is assessed for every day a vehicle remains in the impound yard.

**DUIS IF UNDER THE AGE OF 21**

Drivers under 21 and suspected to be under the influence of alcohol can be charged with a Class I DUI or a Class II DUI.

**Class I DUI**: One must be in control of the vehicle and have a blood alcohol concentration of .08 or greater.

**Class II DUI**: One must be under 21, in control of the vehicle, and have a blood alcohol concentration of .02 or higher.

A blood test cannot be refused for a Class I DUI, but can be refused for a Class II DUI.

Student Financial Aid could be at jeopardy with an Ingestion/Possession Charge. Please consult the Student Financial Aid Office for further information.
INGESTION OF A CONTROLLED SUBSTANCE

Any person who intentionally ingests, inhales, or otherwise takes into the body any substance, except alcoholic beverages for the purposes of becoming intoxicated, unless such substance is prescribed by a practitioner of the medical arts, is guilty of a Class 1 misdemeanor.

The venue for a violation exists in either the jurisdiction in which the substance was ingested OR the jurisdiction in which the substance was detected in the body of the accused.

REINSTATING A DRIVER LICENSE

In order to receive a driver license after the revocation period, a person must show proof of insurance to the SD Driver Licensing Program (DLP) with a document called an SR-22. Without the SR-22, DLP will not reinstate a driver’s license.

Insurance coverage and the SR-22 documentation must be maintained continuously for three years from the date of a conviction in the person is registered on a motor vehicle.

If a person changes vehicles or insurance companies during the three year period, a person must have the insurance company re-file the SR-22. If a person is not registered on a motor vehicle, they must file a non-driver SR-22 to receive a driver’s license.

Once an SR-22 is received by DLP, that person can apply for a driver’s license at an examination station. The person will have to pass all of the required tests and pay a reinstatement fee of $50-$200.

A person’s driving privilege will be re-suspended if during the three year period following a conviction, an insurance company notifies the DLP that the SR-22 was cancelled.

A person must then re-file the SR-22 and pay the $50-$200 reinstatement fee and application fees again. If the DLP does not have the SR-22 on file the person required to carry the SR-22 will not be able to purchase license plates or stickers for the current year.
Anything out of the ordinary can cause a motorist to be pulled over. If the motorist smells of alcohol, admits to consuming alcohol, claims they have not consumed alcohol when it appears that they have, or if law enforcement suspects alcohol has been consumed, the motorist may be asked to complete Field Sobriety Tests (FSTs).

FSTs may include walking a straight line, completing motor dexterity test, following a pen, movement, spelling, counting, or many other standards test, or all of the above. As a motorist, you can request to skip all of the tests. However, you can still be arrested.

A preliminary breath test (PBT) can be administered. A PBT is a device that you blow into to determine your Blood Alcohol Concentration (BAC).

Law enforcement in Clay County does not and will not use the PBT solely to make a DUI arrest. Several tests are used to determine if a DUI arrest should be made. PBT is just one test used. However, courts rely on BAC to make determinations in legal situations. BAC will be obtained through a blood test or urinalysis.
REASONABLE SUSPICION FOR A TRAFFIC STOP

To get stopped in your car by law enforcement, there first must be reasonable suspicion that a crime is being committed. Reasonable suspicion means anything out of the ordinary in the eyes of law enforcement that suggests a violation of local, state, or federal statutes.

The following examples are causes for a stop:

- Wide turns
- Speeding
- Driving on the wrong side of the road
- Crossing the center line or swerving
- Headlight or taillight out or broken
- Headlights not turned on after dark
- Not coming to a complete stop at a stop sign
- Expired tags
- Loud music
- Not wearing seatbelts (children in the vehicle)
- Too many people in the vehicle (overcrowded)
- Cracked windshield
- Anything obstructing the view
- Darkened windows that may not meet statutory standards

Law enforcement officials are entrusted to rely on their background, experience, and training to determine if and when to stop a motorist. Law enforcement cannot stop a person based on a hunch.

LAW ENFORCEMENT’S REQUEST TO SEARCH YOUR VEHICLE

After a stop, law enforcement can search a person’s vehicle if something generates suspicion, such as a strange odor coming from the car (like alcohol or marijuana). If a strange odor exists, the motorist may be detained for further investigation.

If law enforcement sees a bottle of alcohol, signs of marijuana, some other illicit drug or paraphernalia in plain view, then reasonable suspicion to search a vehicle exists.
If a motorist refuses to allow law enforcement to search their vehicle, law enforcement may be able to obtain a search warrant if reasonable suspicion exists. This will then allow law enforcement to search the vehicle without the permission of the motorist.

If a drug dog arrives on the scene and detects and finds drugs, the motorist may be arrested immediately and transported to a jail or detention center.

I was pulled over for going 8 miles over the speed limit and ended up being arrested when they found out my friends and I were 20 years old with open beer bottles in the car.

Under many circumstances, motorists can be detained until the search warrant arrives. Law enforcement will search the vehicle on the spot or after it is impounded.

If a motorist is arrested, the vehicle generally is impounded and searched. The impound search is conducted for inventory so that law enforcement knows what they are responsible for while the vehicle is in their care.
LAW ENFORCEMENT’S REQUEST TO SEARCH YOUR CLOTHING

Clothing and/or body searches can be performed by law enforcement generally in two circumstances:

In the first circumstance, law enforcement can question a civilian on the street if that citizen raises reasonable suspicion that he or she is engaging in criminal behavior based on the training and experience of the officer. If the law enforcement officer perceives a threat, they may pat down the subject. In this case, law enforcement usually is looking for weapons to ensure the safety of civilians and law enforcement.

In the second circumstance, during a search prior to an arrest, a law enforcement official will search the person, pull out items within pockets, wallet/purse, and then perform a body search. If law enforcement has made an arrest, they will want to obtain any weapons that may endanger their lives or other people’s lives and identify other illegal materials that may be present.

STOPS FOR DRIVING UNDER THE INFLUENCE OF ILLEGAL DRUGS

If you use drugs DON’T DRIVE.

If pulled over by law enforcement, remember that residue in pens, foils, plastics, or currency can easily be detected and can result in multiple charges. Urine and blood tests can easily confirm the presence of drugs.

If you have recently been in the same room with someone who has smoked marijuana, hashish, an opiate, or methamphetamine products, DON’T DRIVE a vehicle.

Incidental or second hand smoke or consumption can impair you and make you a danger to yourself or others. Second hand consumption can or may be detected though a urinalysis or blood analysis.
ADVICE FOR STUDENTS ABOUT TRAFFIC STOPS AND VEHICLE SEARCHES

Never lie about your identity, give a false date of birth, or a fake Social Security number. Impersonation (a crime of deceit) or a related charge could result.

You will need to give your name, social security number, driver license, requested registration, and proof of insurance. You can remain silent if asked other questions.

Don’t fight or argue with law enforcement. Alcohol can cause the mouth to be engaged without the brain being attached. Let a lawyer assist you. You don’t want any additional charges.

Anyone in your vehicle that is carrying drugs, drug paraphernalia, or has drug residue on them can lead to charges against you. Ask your passengers if they are carrying and set limits. If they carry, make them walk—do NOT let them in your vehicle.

If you are a passenger, you should question whether the driver or other passengers are carrying illicit substances.

Bottom Line:
To avoid any problems, live a substance-free lifestyle.

Drugs are detectable days to about one month after the last use depending on:

the drug used | the quantity used | the frequency of use

South Dakota’s Zero Tolerance Law:
Anyone under age 21 can get a DUI for operating a motor vehicle with a BAC =/> 0.02.

Refusing a Chemical Test:
If you are under age (21) and have been charged under the 0.02 BAC law, you can refuse a blood test.

However...if a plea of guilty is not entered within 120 days, your license will be revoked for a full year.

All fines and fees stated here are AVERAGE values; the maximum fees and fines the maximum fees and fines that can be levied are substantially higher.
One poor decision can have a lifetime of negative consequences. High risk choices and negative background checks can impact:
Jobs | Scholarships | Certification | Licensure
Loans | Graduate School

“My financial aid was stopped because of a marijuana arrest.”

Personal Information Is Easy To Obtain

Technology allows easy retrieval of personal information - with, or without, your permission.

Freedom of Information Act makes many records public information.

Arrest records, traffic violations, insurance records, and financial transactions are kept in state, national, and business databases.

Companies do extensive background checks including:
State and national repositories of criminal records (both arrests and convictions)
Motor Vehicle Records
Transcripts
Credit Bureaus
Social Security
Worker’s Compensation
INTERNET SOCIAL NETWORKING SITES

Students may incorrectly assume their photos and comments on social networking sites (blogs, Facebook, Snapchat, Fade, Friendster, Bebo, Xanga, etc.) are relatively private.

Social media content is often easily retrieved by others. It can leave students vulnerable to those with intent ranging from criminal (identity-theft) to curious (friends, parents, classmates) to cautious (potential applicant screening for employers, admissions review boards, licensing and certification bodies).

Students publicly presenting themselves as drunken partiers, substance users, risqué, provocative, antiauthority (even in jest), may be negatively perceived.

Be discreet | Be prepared | Do an internet search. Know what is out there associated with your name.

You can’t control what others post online.

Being “tagged” in a photo that depicts an illegal activity can have a negative impact.

“I was just shocked at the amount of stuff the student was willing to publicly display. I dropped him from consideration of being accepted.”
WHAT IS A CRIMINAL RECORD

While each state varies, starting at age 18, a criminal record usually consists of all arrests and convictions including:

- Disorderly Conduct
- DUI
- False Impersonation (lying about age, name)
- Furnishing Alcohol to a Minor
- Maintaining a Common Nuisance
- M.I.P./M.I.C./U.C.
- Open Container
- Petty Theft
- Possession Marijuana, Possession of Paraphernalia,
- Ingestion
- Possession of False Identification (i.e. Driver License)

In South Dakota, most arrests and convictions remain on your record forever.

CONCERNED ABOUT A BACKGROUND CHECK?

Be Honest
Employers advise applicants to be truthful on both the job application and in the interview.

Employers would rather learn information from you than be surprised by your background check.

Do not lie to a police officer.

Be Prepared
Rehearse how you will answer, “Have you ever been convicted of a felony or misdemeanor?”

Be direct and brief. Let the prospective employer know that you are no longer making high risk choices.
DEFINING THE TERMS

Driving Under the Influence (DUI): 32-23-1. Driving or control of vehicle prohibited with alcohol in blood or while under influence of alcohol or drug. No person may drive or be in actual physical control of any vehicle while:

There is 0.08 percent or more by weight of alcohol in that person’s blood as shown by chemical analysis of that person’s breath, blood, or other bodily substance;

Under the influence of an alcoholic beverage, marijuana, or any controlled drug or substance not obtained pursuant to a valid prescription, or any combination of an alcoholic beverage, marijuana, or such controlled drug or substance;

Under the influence of any controlled drug or substance obtained pursuant to a valid prescription, or any other substance, to a degree which renders the person incapable of safely driving;

Under the combined influence of an alcoholic beverage and or any controlled drug or substance obtained pursuant to a valid prescription, or any other substance, to a degree which renders the person incapable of safely driving; or

Under the influence of any substance ingested, inhaled, or otherwise taken into the body as prohibited by § 22-42-15.

Source: SDC 1939, §§ 44.0302, 44.9920, 44.9922; SL 1949, ch 42, § 1; SL 1953, ch 246, § 1; SDC Supp 1960, § 44.0302-1; SL 1973, ch 195, § 3; SL 1976, ch 158, § 42-8; SL 1982, ch 246, § 1; SL 2002, ch 160, § 1; SL 2006, ch 168, § 1.
Deep Breath Lung Concentration: is defined as the milligrams of alcohol per .08 cubic centimeter of whole blood or 2100 cubic centimeters of deep lung breath.

Blood Alcohol Level (BAL/BAC): is a test where a medical technician or other practitioner draws blood from a person, and the blood is analyzed to determine the BAC.

Full Coverage: the insurance coverage a person can purchase that includes comprehensive, collision, and liability. Liability - the minimum insurance coverage required by state law.

Enhancement: is a time frame when the state can increase the penalties if a person receives a similar violation. (Currently 10 years.) If a person receives another DUI violation, the DUI violation will be counted as a second offense.

The SD Department of Public Safety Driver Licensing Program: agency in charge of all facets of driver licensing in the state of South Dakota. Unless otherwise provided, the law divides misdemeanors into two classes, which are distinguished from each other by the following maximum penalties, which are authorized upon conviction.

Class 1 Misdemeanor: One-year imprisonment in a county jail, or $2000 fine, or both.

Class 2 Misdemeanor: Thirty days imprisonment in a county jail, or $500 fine, or both.
ALCOHOL/SEARCH & SEIZURE DATA SHEET

University of South Dakota
Vermillion, South Dakota (Clay County)

Fines and Fees:
DUI 1st Fine ......................................$350.00
Court Costs .......................................$84.00
Blood Test .........................................$85.00
DUI Class ..........................................$150.00
Vehicle Tow .......................................$50.00
Vehicle Impound (per day fee) ..........$10.00
License Reinstatement .....................$50- $200
Driver License/Renewal ...................$20.00
Under 21 w/ BAC > .02 fine .............$120.00
Open Container .................................$120.00
Loud/Disorderly House ....................$164.00
Furnishing Alcohol to a Minor ...........$120.00

All fines and fees stated here are AVERAGE values; the maximum fees and fines that can be levied are substantially higher.

This publication has been developed by:
Vermillion Prevention Coalition
USD Office of Student Rights & Responsibilities
USD Legal Aid
Vermillion Police Department
University Police Department
Clay County Sheriff Office
Clay County States Attorney