



2020 South Dakota Legislature

Senate Bill 176

ENROLLED

AN ACT

ENTITLED An Act to provide for the seizure and holding of real property as evidence.

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

Section 1. That § 23A-37-4 be AMENDED:

23A-37-4. Application for return of property to person with right to possession.

Any person claiming the right to possession of such property may make application for its return in the office of the clerk of courts for the county in which it is being held.

An application for the return of real property may be made within thirty days of the seizure of such real property. Absent good cause shown that the real property contains exculpatory evidence of the defendant's innocence which is incapable of being preserved by other means, or that the prosecuting attorney makes a showing that the continued seizure of the real property is necessary to the prosecution of the case, the court may order the law enforcement personnel in possession of the property to release it to the owner.

An Act to provide for the seizure and holding of real property as evidence.

I certify that the attached Act originated in the:

Senate as Bill No. 176

Secretary of the Senate

President of the Senate

Attest:

Secretary of the Senate

Speaker of the House

Attest:

Chief Clerk

Senate Bill No. 176

File No. _____

Chapter No. _____

Received at this Executive Office
this _____ day of _____,

2020 at _____ M.

By _____
for the Governor

The attached Act is hereby
approved this _____ day of
_____, A.D., 2020

Governor

STATE OF SOUTH DAKOTA,

ss.

Office of the Secretary of State

Filed _____, 2020
at _____ o'clock ___ M.

Secretary of State

By _____
Asst. Secretary of State