

The Legislature amended SDCL 32-23-2.1 in 2007.

SDCL 32-23-2.1 now provides:

Any person convicted of a first offense pursuant to § 32-23-1 with a 0.17 percent or more by weight of alcohol in the person's blood shall, in addition to the penalties provided in § 32-23-2, be required to undergo **a court-ordered evaluation by a chemical dependency counselor as defined in § 34- 20A-2 or a licensed or certified health care professional with specialized training in chemical dependency evaluation to determine if the defendant is chemically dependent.** The cost of such evaluation shall be paid by the defendant. The recommendations of the evaluation shall be provided to the referring judge.

SDCL 32-20A-2 defines a "chemical dependency counselor" as "a level II or III counselor certified by the South Dakota Certification Board for Alcohol and Drug Professionals."

However, SDCL 32-23-3; 32-23-4; 32-23-4.6 and 32-23-4.7 was not changed in 2007 -- they still refer to a "**court-approved** chemical dependency counseling program" -- which does not appear to be defined in the statutes.

CHEMICAL ABUSE EVALUATION AGENCY LIST

CARROLL INSTITUTE 310 South 1st Avenue Sioux Falls, South Dakota 57104 Phone 336-2556	KEYSTONE OUTREACH 7511 S. Louise Ave Sioux Falls, South Dakota 57108 Phone 335-1820
SD URBAN INDIAN HEALTH, INC. 331 North Phillips Sioux Falls, South Dakota 57104 Phone 339-0420	COUNSELING RESOURCES 707 East 41st Street, Suite 222 Sioux Falls, South Dakota 57105 Phone 331-2419
VETERAN'S ADMINISTRATION HOSPITAL Alcohol Treatment Program 2501 West 22nd Street Sioux Falls, South Dakota 57101 Phone 336-3230	AVERA MCKENNAN HOSPITAL Behavioral Health Center 3926 South Western Ave. Sioux Falls, South Dakota 57105 Phone 322-4079
LUTHERAN SOCIAL SERVICES 705 East 41st Street, Suite 100 Sioux Falls, South Dakota 57105 Phone 357-0131	FIRST STEP 4320 South Louise, Suite 200 Sioux Falls, South Dakota 57106 Phone 361-1505
VOLUNTEERS OF AMERICA, DAKOTAS 1401 West 51st Street Sioux Falls, South Dakota Phone 334-1414	FAMILY SERVICE, INC. 2211 West Brown Place Sioux Falls, South Dakota 57105 Phone 336-1974
CHOICES RECOVERY SERVICES, LLC 629 S. Minnesota Ave, Suite 104 Sioux Falls, SD 57104 Phone 334-1822	BARTELS COUNSELING SERVICES 3101 W. 41 st – Suite 203 Sioux Falls, South Dakota 57105 Phone 310-0032
GLORY HOUSE 4000 S. West Ave., PO Box 88145 Sioux Falls, SD 57109 Phone 332-3273	

NOTE: You are required to sign a Release of Confidential Information Form at the agency of your choice. This allows the agency to forward a copy of your evaluation to the Clerk of Courts Office, 425 North Dakota Avenue, Sioux Falls, 57104, for your legal file. This information will be available to the Court at your next hearing.

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