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MAY 20 2015

S.D. SEC. OF STATE

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MARTY J. JACKLEY  
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HAND DELIVERED

May 20, 2015

Hon. Shantel Krebs  
Secretary of State  
500 E. Capitol  
Pierre, SD 57501

RE: **Attorney General's Statements for initiated measures (criminalize transfer of alcohol and tobacco)**

Dear Secretary Krebs,

This Office received an initiated measure to criminalize the transfer of alcohol, as well as an initiated measure to criminalize the transfer of tobacco and tobacco paraphernalia. Enclosed are copies of the initiated measures, in final form, that were submitted to this Office. In accordance with SDCL 12-13-25.1, I hereby submit the Attorney General's Statements with respect to these two measures. It is my understanding that the Legislative Research Council is preparing fiscal impact statements pursuant to SDCL 2-1-19 and will file them directly with you.

By copy of this letter, I am providing copies of the Attorney General's Statements to the sponsors of the initiated measures pursuant to SDCL 12-13-25.1.

Very truly yours,

Marty J. Jackley  
ATTORNEY GENERAL

MJJ/PA/lde  
Enc.

cc/enc.: Bob Newland  
Andrew Ziegler  
Jason Hancock, Director of LRC

Filed this 20<sup>th</sup> day of  
May 2015  
  
SECRETARY OF STATE

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INITIATED MEASURE  
ATTORNEY GENERAL'S STATEMENT

Title: An initiated measure to criminalize the transfer of alcoholic beverages

Explanation:

The initiated measure prohibits a person or business from transferring any alcoholic beverage containing more than one percent ethyl alcohol to another person or business in this state. "Transfer" includes the sale, delivery, trade, or gift of the alcoholic beverage. A transfer of an alcoholic beverage in violation of this measure is a crime. The severity of the maximum criminal penalty increases based upon the quantity of the alcoholic beverage transferred. In addition, a civil penalty up to ten thousand dollars may be imposed.

If approved, this measure will result in a loss of state and local tax and license revenues. Also, the measure will likely be challenged in court on constitutional grounds. If the challenge is successful, the State of South Dakota may be required to pay money damages, attorney fees and costs.

Filed this 20<sup>th</sup> day of  
May, 2015

*Shantal Krebs*

SECRETARY OF STATE

We, the undersigned qualified voters of the State of South Dakota, petition that the following proposed law be submitted to the voters of the State of South Dakota at the general election on November 8, 2016, for their approval or rejection pursuant to the Constitution of the State of South Dakota:

**FOR AN ACT ENTITLED: An Act to ban the transfer of alcoholic beverages with more than one per-cent alcohol content in South Dakota.**

**BE IT ENACTED BY THE PEOPLE OF SOUTH DAKOTA:**

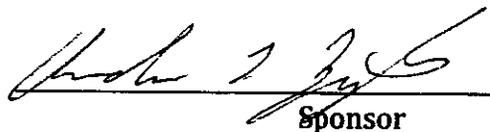
**Section 1. No person or business may transfer an alcoholic beverage, as defined in SDCL 35-1-1, containing more than one per-cent ethyl alcohol to another person or business in the State of South Dakota. It is a Class 1 misdemeanor to transfer two ounces or less of an alcoholic beverage containing more than one per-cent ethyl alcohol. It is a Class 6 felony to transfer more than two ounces but less than one-half pound of an alcoholic beverage containing more than one per-cent ethyl alcohol. It is a Class 5 felony to transfer one-half pound but less than one pound of an alcoholic beverage containing more than one per-cent ethyl alcohol. It is a Class 4 felony to transfer one to ten pounds of an alcoholic beverage containing more than one per-cent ethyl alcohol. It is a Class 3 felony to transfer more than ten pounds of an alcoholic beverage containing more than one per-cent ethyl alcohol. In addition to any criminal penalty imposed upon conviction of a violation of this section, a civil penalty, not to exceed ten thousand dollars, may be imposed.**

That is the text of a proposed change in statute law in South Dakota. It is submitted by an ad hoc political committee called Consistent South Dakota. We, the sponsors, have filed the statement of organization for Consistent South Dakota with the secretary of state.

Bob Newland  
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Hot Springs SD 57747  
605-745-3613

  
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Sponsor

Andrew Ziegler  
2901 S. Hawthorne Ave.  
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\_\_\_\_\_  
Sponsor