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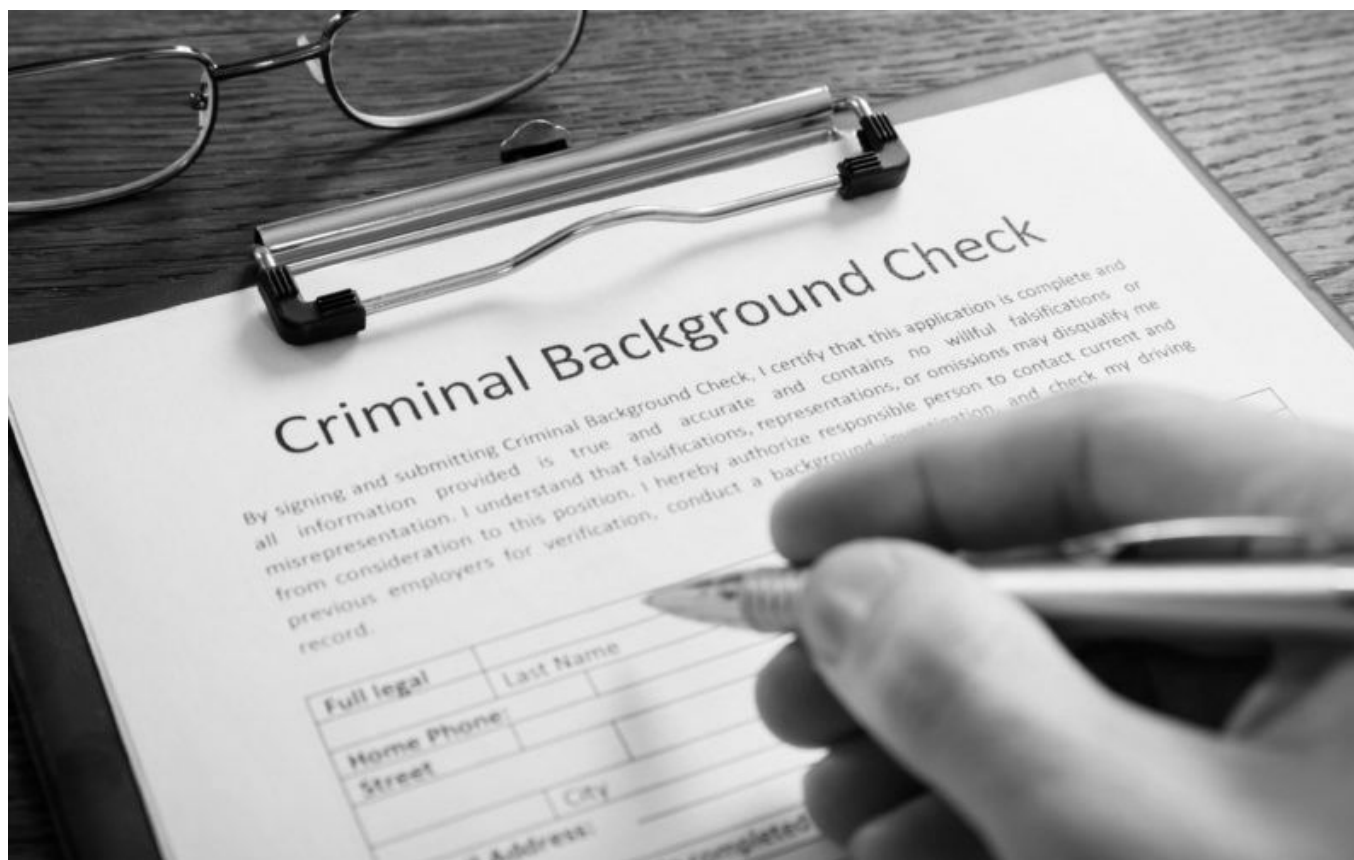
SOUTH DAKOTA

South Dakota Gov. Vetoes Bill To Scrub Pot Charges From Background Checks

The South Dakota bill's Republican sponsor says the veto shows "Reefer Madness is alive and well."



BY THOMAS EDWARD · MARCH 28, 2022



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South Dakota Gov. Kristi Noem kept up her anti-cannabis posture last week, vetoing a bill that would have removed old pot-related charges from criminal background checks.

The legislation, one of three bills that the first-term Republican vetoed on Friday, would have automatically removed certain cannabis charges from a defendant's public record if at least five years had elapsed since the violation and "if all court-ordered conditions on

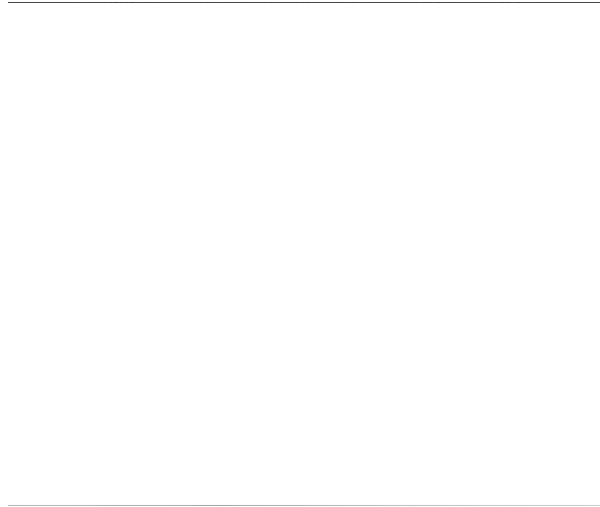
the case have been satisfied and the defendant has not been convicted of any further offenses within those five years.”

In her veto letter, Noem said that the state’s “current laws and criminal procedures already provide sufficient avenues for people who have earned that second chance.”

“I believe in second chances...But those individuals must at least show good cause or a need for such relief, such as suspended imposition of sentence procedures, county youth diversion programs, or executive clemency that can be requested online at no cost,” Noem wrote in the letter.

Noem said that the retroactive nature of the bill “is bad precedent for criminal justice issues where fairness is paramount,” and that, even with the newly enacted medical cannabis law in South Dakota, “there must remain consequences for using illegal drugs at a time when the use and possession of marijuana, even for alleged medical purposes, was illegal.”

The bill passed both chambers of South Dakota’s Republican-dominated legislature, first clearing the state Senate last month by a vote of 19-16 before winning approval in the House of Representatives 38-31.



GOP state Sen. Mike Rohl, the sponsor of the bill, expressed his disappointment with Noem's veto.

"This bill would have helped 30k+ people and could have had a positive economic impact of nearly \$71 Million over just 2 years for the State. #ReeferMadness is alive & well," Rohl tweeted on Friday.

But Rohl told the *Argus Leader* that the veto dims the bill's prospects for this year. To override a governor's veto, a bill needs the support of two-thirds in each chamber of the legislature.

"I'll still pitch it, but I might not even be able to get it out of the Senate," Rohl said. "And that's disappointing because of the improvement that this would make in people's lives."

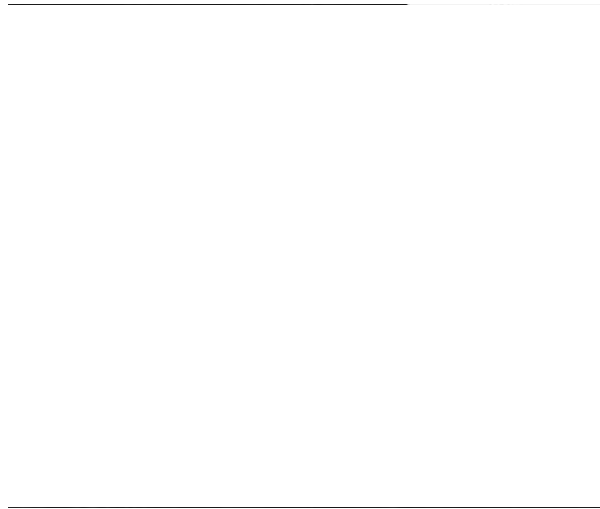
For Noem, who has shown little appetite for cannabis reform, the veto was hardly a surprise. In 2020, the state's voters passed a pair of proposals at the ballot to legalize both medical cannabis and recreational pot use for adults.

But only the medical law remains, after Noem mounted a successful legal assault on the adult-use measure.

A pair of law enforcement officials brought a lawsuit on Noem's behalf, arguing that the recreational pot amendment violated the state's constitution. In February of last year, a circuit court judge in the state sided with Noem. Months later, on the day before Thanksgiving, the South Dakota Supreme Court upheld that lower court ruling, saying the measure violated the state constitution's single subject requirement for amendments.

Noem, who vigorously opposed the legalization amendment throughout the 2020 campaign, celebrated the Supreme Court's ruling. But there are signs that Noem is out of step on the issue with both her fellow Republicans in the state legislature, who put forward a legalization bill in this year's session, as well as voters, many of whom have voiced their disapproval with her handling of the issue.

Those voters may get a chance to defy the governor in November, with activists currently aiming to get another legalization proposal on this year's ballot.



Background check

criminal record

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