

State of South Dakota

EIGHTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2010

934R0424

SENATE JUDICIARY ENGROSSED NO. **HB 1110** - 3/4/2010

Introduced by: Representatives Engels, Cutler, Feinstein, Gibson, Gosch, Hoffman, Killer,
and Turbiville and Senators Turbak Berry, Abdallah, Gant, and Jerstad

1 FOR AN ACT ENTITLED, An Act to revise certain provisions relating to statutory rape.

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

3 Section 1. That § 22-22-7 be amended to read as follows:

4 22-22-7. Any person, sixteen years of age or older, who knowingly engages in sexual contact
5 with another person, other than that person's spouse if the other person is under the age of
6 sixteen years is guilty of a Class 3 felony. If the victim is at least thirteen years of age and the
7 actor is less than ~~three~~ five years older than the ~~other person~~ victim, the actor is guilty of a Class
8 1 misdemeanor. ~~If an adult has a previous conviction for a felony violation of this section, any~~
9 ~~subsequent felony conviction for a violation under this section, is a Class 2 felony.~~

10 Notwithstanding § 23A-42-2, a charge brought pursuant to this section may be commenced at
11 any time before the victim becomes age twenty-five or within seven years of the commission
12 of the crime, whichever is longer.

13 Section 2. That chapter 22-22 be amended by adding thereto a NEW SECTION to read as
14 follows:



1 If an adult has a previous conviction for violation of subdivision 22-22-1(5), or a previous
2 conviction for a felony violation of § 22-22-7, or a previous misdemeanor conviction of § 22-
3 22-7 for a violation committed as an adult, any subsequent conviction of subdivision 22-22-1(5)
4 or § 22-22-7, is a Class 2 felony.