

State of South Dakota

EIGHTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2011

715S0392

HOUSE BILL NO. 1156

Introduced by: Representatives Lust, Deelstra, Fargen, Hoffman, Hunhoff (Bernie), Moser,
and Novstrup (David) and Senators Cutler, Adelstein, Peters, and Vehle

1 FOR AN ACT ENTITLED, An Act to define intentional strangulation as aggravated assault and
2 provide a penalty therefor.

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

4 Section 1. That § 22-18-1.1 be amended to read as follows:

5 22-18-1.1. Any person who:

- 6 (1) Attempts to cause serious bodily injury to another, or causes such injury, under
7 circumstances manifesting extreme indifference to the value of human life;
- 8 (2) Attempts to cause, or knowingly causes, bodily injury to another with a dangerous
9 weapon;
- 10 (3) Deleted by SL 2005, ch 120, § 2;
- 11 (4) Assaults another with intent to commit bodily injury which results in serious bodily
12 injury;
- 13 (5) Attempts by physical menace with a deadly weapon to put another in fear of
14 imminent serious bodily harm; ~~or~~
- 15 (6) Deleted by SL 2005, ch 120, § 2;



1 (7) Intentionally or recklessly causes serious bodily injury to an infant, less than three
2 years old, by causing any intracranial or intraocular bleeding, or swelling of or
3 damage to the brain, whether caused by blows, shaking, or causing the infant's head
4 to impact with an object or surface; or

5 (8) Intentionally engages in the strangulation of another;

6 is guilty of aggravated assault. Aggravated assault is a Class 3 felony. However, a violation of
7 subdivision (7) or (8) is a Class 2 felony. A second or subsequent violation of subdivision (7)
8 or (8) is a Class 1 felony.

9 Section 2. That chapter 22-18 be amended by adding thereto a NEW SECTION to read as
10 follows:

11 For the purpose of this chapter, strangulation means the application of pressure to another
12 person's throat or neck, or the blocking of the person's nose or mouth, that creates a risk of death
13 or substantial bodily harm.