

# State of South Dakota

EIGHTY-EIGHTH SESSION  
LEGISLATIVE ASSEMBLY, 2013

752U0383

## SENATE JUDICIARY ENGROSSED NO. **SB 38** 01/15/2013

Introduced by: The Committee on Judiciary at the request of the Office of the Attorney  
General

1 FOR AN ACT ENTITLED, An Act to increase the penalty for sexual acts between correction  
2 facility employees and juvenile detainees.

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

4 Section 1. That § 22-22-7.6 be amended to read as follows:

5 22-22-7.6. Any person employed at any jail or juvenile correctional facility, who knowingly  
6 engages in an act of sexual contact or sexual penetration with another person who is in detention  
7 and under the custodial, supervisory, or disciplinary authority of the person so engaging, and  
8 which act of sexual contact or sexual penetration does not otherwise constitute a felony pursuant  
9 to the provisions of chapter 22-22, is guilty of a Class 6 felony if the victim is an adult and a  
10 Class 4 felony if the victim is a juvenile.

11 A juvenile correctional facility pursuant to this section is a juvenile detention facility as  
12 defined in subdivision 26-7A-1(16) or a juvenile facility operated by the Department of  
13 Corrections under § 1-15-1.4.

