



2022 South Dakota Legislature

Senate Bill 77

SENATE JUDICIARY ENGROSSED

Introduced by: **Senator Duhamel**

1 **An Act to enhance the penalty on registered sex offenders who commit sexual**
2 **contact without consent from a person capable of consenting.**

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

4 **Section 1. That § 22-22-7.4 be AMENDED:**

5 **22-22-7.4.** No person fifteen years of age or older may knowingly engage in
6 sexual contact with another person other than his or her spouse who, although capable of
7 consenting, has not consented to such contact. A violation of this section is a Class 1
8 misdemeanor. A violation of this section by a person registered as a sex offender pursuant
9 to chapter 22-24B at the time of the offense is a Class 6 felony.

10 An allegation that a defendant is registered as a sex offender pursuant to chapter
11 22-24B must be filed as a separate information at the time of, or before, arraignment.
12 The separate information must state the time and place of the defendant's conviction and
13 the specific sex crime that resulted in the defendant's conviction. The separate information
14 must be signed by the prosecutor.