

# State of South Dakota

EIGHTY-SIXTH SESSION  
LEGISLATIVE ASSEMBLY, 2011

463S0397

## HOUSE JUDICIARY ENGROSSED NO. **HB 1171** - 2/9/2011

**This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.**

Introduced by: Representatives Jensen, Bolin, Brunner, Greenfield, Haggar, Hansen (Jon), Hickey, Hoffman, Hubbel, Kopp, Magstadt, Miller, Nelson (Stace), Olson (Betty), Rausch, Russell, Sly, Steele, Stricherz, Van Gerpen, Venner, Verchio, and Willadsen and Senators Kraus, Fryslie, Lederman, and Maher

1 FOR AN ACT ENTITLED, An Act to expand the definition of justifiable homicide to provide  
2 for the protection of certain unborn children.

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

4 Section 1. That § 22-16-34 be amended to read as follows:

5 22-16-34. Homicide is justifiable if committed by any person while resisting any attempt  
6 to murder such person, or to harm the unborn child of such person in a manner and to a degree  
7 likely to result in the death of the unborn child, or to commit any felony upon him or her, or  
8 upon or in any dwelling house in which such person is.

9 Section 2. That § 22-16-35 be amended to read as follows:

10 22-16-35. Homicide is justifiable if committed by any person in the lawful defense of such  
11 person, or of his or her husband, wife, parent, child, master, mistress, or servant, or the unborn  
12 child of any such enumerated person, if there is reasonable ground to apprehend a design to  
13 commit a felony, or to do some great personal injury, and imminent danger of such design being



1 accomplished.