



2021 South Dakota Legislature

House Bill 1080

Introduced by: **Representative Reed**

1 **An Act to increase the enhanced penalty for the crime of simple assault.**

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

3 **Section 1.** That § 22-18-1 be AMENDED.

4 **22-18-1. Simple assault--Violation as misdemeanor--Third or subsequent**
 5 **offense a felony.**

6 A person is guilty of simple assault, a Class 1 misdemeanor, if the person:

- 7 (1) Attempts to cause bodily injury to another and has the actual ability to cause the
 8 injury;
- 9 (2) Recklessly causes bodily injury to another;
- 10 (3) Negligently causes bodily injury to another with a dangerous weapon;
- 11 (4) Attempts by physical menace or credible threat to put another in fear of imminent
 12 bodily harm, with or without the actual ability to harm the other person; or
- 13 (5) Intentionally causes bodily injury to another which does not result in serious bodily
 14 injury.

15 If the defendant has been convicted of, or entered a plea of guilty to, two or more
 16 violations of simple assault under this section, simple assault or aggravated assault under
 17 § 22-18-1.05, aggravated assault under § 22-18-1.1, assault under § 22-18-26,
 18 intentional contact with bodily fluids under § 22-18-26.1, or assault under § 22-18-29
 19 within ten years of committing the current offense, the defendant is guilty of a Class 6
 20 felony for any third offense, a Class 5 felony for a fourth offense, and a Class 4 felony for
 21 a fifth or subsequent offense.