



2021 South Dakota Legislature

Senate Bill 148

Introduced by: **Senator** Diedrich

1 **An Act to establish the crime of torture of a human trafficking victim and provide a**
 2 **penalty therefor.**

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

4 **Section 1.** That a NEW SECTION be added:

5 **22-49-5. Torture of a human trafficking victim--Felony.**

6 A person who, with the intent to cause cruel physical or mental pain, inflicts serious
 7 bodily injury or serious mental injury upon a human trafficking victim while the victim is
 8 the subject of human trafficking is guilty of a Class 2 felony. Proof that the victim suffered
 9 pain is not an element of the crime of torture of a human trafficking victim.

10 **Section 2.** That a NEW SECTION be added:

11 **22-49-6. Definition of terms--Torture.**

12 Terms used in § 22-49-5 mean:

- 13 (1) "Cruel," brutal, inhuman, sadistic, or that which torments;
 14 (2) "Serious mental injury," a condition that results in a substantial alteration of mental
 15 functioning that is manifested in a visibly demonstrable manner caused by or
 16 resulting from:
 17 (a) The intentional infliction or threatened infliction of serious bodily injury;
 18 (b) The administration or application, or threatened administration or
 19 application, of mind-altering substances or other procedures calculated to
 20 disrupt the senses or the personality; or
 21 (c) The threat of imminent death.