



2021 South Dakota Legislature

House Bill 1080

HOUSE ENGROSSED

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.

22 Any conviction for, or plea of guilty to, an offense in another state which, if committed
 23 in this state, would be a violation of a crime described in this section and occurring within
 24 ten years prior to the date of the violation being charged, shall be used to determine if
 25 the violation being charged is a subsequent offense.