



2021 South Dakota Legislature
Senate Bill 148
ENROLLED

AN ACT

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

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

Section 1. That a NEW SECTION be added:

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

A person who, with the intent to cause cruel physical or mental pain, inflicts serious bodily injury or serious mental injury upon a human trafficking victim while the victim is the subject of human trafficking is guilty of a Class 1 felony. Proof that the victim suffered pain is not an element of the crime of torture of a human trafficking victim.

Section 2. That a NEW SECTION be added:

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

Terms used in § 22-49-5 mean:

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

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

I certify that the attached Act originated in
the:
Senate as Bill No. 148

Received at this Executive Office
this ____ day of _____,
2021 at _____ M.

Secretary of the Senate

By _____
for the Governor

President of the Senate

The attached Act is hereby
approved this ____ day of
_____, A.D., 2021

Attest:

Secretary of the Senate

Governor

STATE OF SOUTH DAKOTA,

ss.

Office of the Secretary of State

Speaker of the House

Attest:

Filed _____, 2021
at _____ o'clock __ M.

Chief Clerk

Secretary of State

Senate Bill No. 148
File No. _____
Chapter No. _____

By _____
Asst. Secretary of State