



2021 South Dakota Legislature
House Bill 1096
ENROLLED

AN ACT

ENTITLED An Act to provide a penalty for sexual contact with a minor by a person holding a position of authority.

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

Section 1. That a NEW SECTION be added:

22-22-7.8. Sexual contact with child under eighteen--Position of authority--

Penalty.

A person is guilty of a Class 6 felony if the person:

- (1) (a) Is at least eighteen years of age; and
(b) Is at least five years older than the victim;
- (2) Is in a position of authority, as defined in this section; and
- (3) Knowingly engages in sexual contact with another who is:
 - (a) Less than eighteen years of age; and
 - (b) Not the person's spouse.

For purposes of this section, a person is in a position of authority if the person, at the time of the sexual contact, or within the one-hundred-twenty-day period immediately preceding the sexual contact, interacts, no matter how briefly, with the victim as a coach, child care provider, disability services provider, guardian ad litem, health care provider, law enforcement officer, mental health counselor, probation officer, religious leader, school administrator, social worker, teacher, therapist, or youth leader.

Notwithstanding § 23A-42-2, a charge pursuant to this section may be brought at any time before the victim reaches the age of twenty-five or within seven years from the commission of the crime, whichever is longer.

An Act to provide a penalty for sexual contact with a minor by a person holding a position of authority.

I certify that the attached Act originated in the:
House as Bill No. 1096

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

Chief Clerk

By _____ for the Governor

Speaker of the House

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

Attest:

Chief Clerk

Governor

STATE OF SOUTH DAKOTA,

ss.

Office of the Secretary of State

President of the Senate

Attest:

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

Secretary of the Senate

Secretary of State

House Bill No. 1096
File No. _____
Chapter No. _____

By _____
Asst. Secretary of State