



2021 South Dakota Legislature
House Bill 1080
ENROLLED

AN ACT

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

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

Section 1. That § 22-18-1 be AMENDED.

22-18-1. Simple assault--Violation as misdemeanor--Third or subsequent offense a felony--Violation in other states.

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

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

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

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

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

I certify that the attached Act originated in the:
House as Bill No. 1080

Chief Clerk

Speaker of the House

Attest:

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1080
File No. _____
Chapter No. _____

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

By _____
for the Governor

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

Governor

STATE OF SOUTH DAKOTA,
ss.
Office of the Secretary of State

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

Secretary of State

By _____
Asst. Secretary of State