

2022 South Dakota Legislature

Senate Bill 77**AMENDMENT 77B FOR THE INTRODUCED BILL**

1 **An Act to enhance the penalty on registered sex offenders who commit sexual**
2 **contact without consent from a person capable of consenting.**

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

4 **Section 1. That § 22-22-7.4 be AMENDED:**

5 **22-22-7.4.** No person fifteen years of age or older may knowingly engage in
6 sexual contact with another person other than his or her spouse who, although capable of
7 consenting, has not consented to such contact. A violation of this section is a Class 1
8 misdemeanor. A violation of this section ~~by a person registered as a sex offender pursuant~~
9 ~~to chapter 22-24B at the time of the offense~~ is a Class 6 felony ~~if committed by a person~~
10 ~~who has been convicted of a sex crime as defined in § 22-24B-1 within ten years of the~~
11 ~~offense.~~

12 An allegation that a defendant has previously been convicted of a sex crime must
13 be filed as a separate information at the time of, or before, arraignment. The separate
14 information must state the time and place of the defendant's conviction and the specific
15 sex crime that resulted in the defendant's conviction. The separate information must be
16 signed by the prosecutor. The separate information may not be divulged to the jury in any
17 manner unless and until the defendant has been convicted of the principal offense.