

On page 1, line 1, of the Introduced bill, after "contact" insert " for purposes of sexual contact with a child under eighteen by a person in a position of authority"

On page 1, line 3, of the Introduced bill, after "Dakota:" delete "Section 1. That § 22-22-7. 1 be AMENDED:"

On page 1, line 4, of the Introduced bill, after "AMENDED:" delete "22-22-7. 1. As used in this chapter, the term, sexual contact, means any touching with the intent to arouse or gratify the sexual desire of either party, not amounting to rape, whether or not through clothing or other covering, of the breasts of a female or the genitalia or anus of any person with the intent to arouse or gratify the sexual desire of either party. :

(1) Breasts of a female; or

(2) Genitalia, anus, buttocks, or inner thighs of any person.

Practitioners of the healing arts lawfully practicing within the scope of their practice, which determination shall be is conclusive as against the state and shall must be made by the court prior to trial, are not included within the provisions of this section. In any pretrial proceeding under this section, the prosecution has the burden of establishing probable cause."

On page 1, after line 15, of the Introduced bill, insert: "

Section 1. That § 22-22-7.8 be AMENDED:

22-22-7.8. 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, or touches the buttocks or inner thighs with the intent to arouse or gratify the sexual desire of either party, 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."