

## 2022 South Dakota Legislature

**Senate Bill 81****AMENDMENT 81B FOR THE INTRODUCED BILL**

1 **An Act to revise the definition of sexual contact.**

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

3 **Section 1. That § 22-22-7.1 be AMENDED:**

4 **22-22-7.1.** As used in this chapter, the term, sexual contact, means any touching  
5 with the intent to arouse or gratify the sexual desire of either party, not amounting to  
6 rape, whether or not through clothing or other covering, of the ~~breasts of a female or the~~  
7 ~~genitalia or anus of any person with the intent to arouse or gratify the sexual desire of~~  
8 ~~either party.~~

9 (1) Breasts of a female; or

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

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