



2022 South Dakota Legislature
Senate Bill 81
ENROLLED

AN ACT

ENTITLED An Act to revise the definition of sexual contact for purposes of sexual contact with a child under eighteen by a person in a position of authority.

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

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 upper 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.

An Act to revise the definition of sexual contact for purposes of sexual contact with a child under eighteen by a person in a position of authority.

I certify that the attached Act originated in the:

Senate as Bill No. 81

Received at this Executive Office this ____ day of _____, 2022 at _____ M.

Secretary of the Senate

By _____ for the Governor

President of the Senate

The attached Act is hereby approved this _____ day of _____, A.D., 2022

Attest:

Secretary of the Senate

Governor

STATE OF SOUTH DAKOTA,

ss.

Office of the Secretary of State

Speaker of the House

Attest:

Filed _____, 2022 at _____ o'clock __ M.

Chief Clerk

Secretary of State

Senate Bill No. 81
File No. _____
Chapter No. _____

By _____
Asst. Secretary of State