



## 2023 South Dakota Legislature

# Senate Bill 129

Introduced by: **Senator Stalzer**

1 **An Act to include school employees in certain assault provisions and provide a**  
2 **penalty therefor.**

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

4 **Section 1. That § 22-18-1.05 be AMENDED:**

5 **22-18-1.05.** Simple assault, as provided in § 22-18-1, if committed against a law  
6 enforcement officer, firefighter, ambulance service personnel, Department of Corrections  
7 employee or person under contract assigned to the Department of Corrections, or other  
8 public officer, which assault occurred while the officer or employee was engaged in the  
9 performance of the officer's or employee's duties, is a Class 6 felony.

10 Aggravated assault, as provided in § 22-18-1.1, if committed against a law  
11 enforcement officer, firefighter, ambulance service personnel, Department of Corrections  
12 employee or person under contract assigned to the Department of Corrections, or other  
13 public officer, which assault occurred while the officer or employee was engaged in the  
14 performance of the officer's or employee's duties, is a Class 2 felony.

15 The penalties in this section also apply to a simple assault or aggravated assault if  
16 committed against any health care facility personnel while the personnel was engaging in  
17 patient care.

18 The penalties in this section also apply to a simple assault or aggravated assault if  
19 committed against any public or non-public school employee while the employee was  
20 engaged in a school activity.