



2023 South Dakota Legislature
Senate Bill 90
ENROLLED

AN ACT

ENTITLED An Act to provide certain definitions related to the crime of rape.

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

Section 1. That chapter 22-22 be amended with a NEW SECTION:

Terms used in this chapter mean:

- (1) "Consent," a person's positive cooperation in act or attitude pursuant to the person's exercise of free will;
- (2) "Force," the use of physical effort sufficient to overcome, restrain, injure, or prevent escape;
- (3) "Mental incapacity," a mental or developmental disease or disability that renders a person incapable of appraising the nature of the person's conduct; and
- (4) "Physical incapacity," a person's incapability of resisting because the person is unconscious, asleep, or is subject to another physical condition that prevents the person from giving consent or resisting.

An Act to provide certain definitions related to the crime of rape.

I certify that the attached Act originated in the:

Received at this Executive Office this ____ day of _____,

Senate as Bill No. 90

2023 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., 2023

Attest:

Secretary of the Senate

Governor

STATE OF SOUTH DAKOTA,

ss.

Office of the Secretary of State

Speaker of the House

Attest:

Filed _____, 2023
at _____ o'clock __ M.

Chief Clerk

Secretary of State

Senate Bill No. 90
File No. _____
Chapter No. _____

By _____
Asst. Secretary of State