



2025 South Dakota Legislature

Senate Bill 115

Introduced by: **Senator Hohn**

1 **An Act to revise a provision related to sexual contact with a child under eighteen.**

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

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

4 **22-22-7.8.** A person is guilty of a Class 6 felony if the person:

5 (1) ~~(a)~~—Is at least eighteen years of age; ~~and~~

6 ~~(b)~~—

7 ~~(2)~~ Is at least five years older than the victim;

8 ~~(2)(3)~~ Is in a position of authority, as defined in this section, or is a family member related
 9 by consanguinity or affinity within the fifth degree, as defined by § 23A-20-30, to
 10 the victim; and

11 ~~(3)(4)~~ Knowingly engages in sexual contact, or touches the buttocks or upper inner thighs
 12 of the victim with the intent to arouse or gratify the sexual desire of ~~either party~~
 13 the person or the victim, with ~~another~~ a victim who is:

14 (a) Less than eighteen years of age; and

15 (b) Not the person's spouse.

16 For purposes of this section, a person is in a position of authority if the person, at
 17 the time of the sexual contact, or within the one-hundred-twenty-day period immediately
 18 preceding the sexual contact, interacts, no matter how briefly, with the victim as a coach,
 19 child care provider, disability services provider, guardian ad litem, health care provider,
 20 law enforcement officer, mental health counselor, probation officer, religious leader,
 21 school administrator, social worker, teacher, therapist, or youth leader.

22 Notwithstanding § 23A-42-2, a charge pursuant to this section may be brought at
 23 any time before the victim reaches the age of twenty-five or within seven years from the
 24 commission of the crime, whichever is longer.