

State of South Dakota

NINETY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 2019

922B0179

HOUSE BILL NO. 1063

Introduced by: Representatives Reed, Barthel, Borglum, Diedrich, Johns, Latterell, Peterson (Kent), Peterson (Sue), Reimer, and Sullivan and Senators DiSanto, Partridge, Rusch, Sohlt, and Wismer

1 FOR AN ACT ENTITLED, An Act to revise provisions regarding engaging in sexual activity
2 for a fee or other compensation.

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

4 Section 1. That § 26-8B-2 be amended to read:

5 26-8B-2. ~~In~~ For purposes of this chapter and chapter 26-7A, the term, a child in need of
6 supervision, ~~means~~ is a child:

7 (1) ~~Any child of~~ Of compulsory school age who is habitually absent from school without
8 legal excuse;

9 (2) ~~Any child who~~ Who has run away from home or is otherwise beyond the control of
10 the child's parent, guardian, or custodian;

11 (3) ~~Any child whose~~ Whose behavior or condition endangers the child's own welfare or
12 the welfare of others;

13 (4) ~~Any child who~~ Who has violated any federal; or state; law or regulation or local ~~law~~
14 ~~or regulation~~ ordinance for which there is not a penalty of a criminal nature for an



1 adult, ~~except violations~~ other than a violation of subdivision 34-46-2(2); or a petty
2 ~~offenses~~ offense; or

3 (5) ~~Any child who~~ Who has violated § ~~32-23-21 or 35-9-2 or 32-23-21~~; or

4 (6) Who engages in or offers to engage in sexual activity for a fee or other compensation.

5 Section 2. That § 22-23-1 be amended to read:

6 22-23-1. ~~Any~~ A person ~~aged sixteen~~ who is eighteen years of age or older and who engages
7 in or offers to engage in sexual activity for a fee or other compensation is guilty of ~~prostitution.~~
8 ~~Prostitution is~~ a Class 1 misdemeanor.

9 Section 3. That § 22-23-9 be amended to read:

10 22-23-9. ~~Any~~ A person who hires or attempts to hire another person for a fee or other
11 compensation to engage in sexual activity is guilty of a Class 1 misdemeanor. ~~However, if the~~
12 A person ~~has been~~ who is convicted of, or has pled guilty to, one or more violations of this
13 section or § 22-23-2 in the previous ten years, ~~the person~~ is guilty of a Class 6 felony.