

State of South Dakota

NINETY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 2019

922B0179

HOUSE JUDICIARY ENGROSSED NO. **HB 1063** 2/6/2019

Introduced by: Representatives Reed, Barthel, Borglum, Diedrich, Johns, Latterell, Peterson (Kent), Peterson (Sue), Reimer, and Sullivan and Senators DiSanto, Partridge, Rusch, Soholt, 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 prostitution by offering to engage in sexual activity for a fee or other
5 compensation.

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

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

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

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