

# State of South Dakota

EIGHTY-FOURTH SESSION  
LEGISLATIVE ASSEMBLY, 2009

961Q0376

## HOUSE BILL NO. 1287

Introduced by: Representatives Russell, Greenfield, Hunt, Moser, and Schlekeway and  
Senators Jerstad, Howie, Maher, and Tieszen

1 FOR AN ACT ENTITLED, An Act to permit evidence of the defendant's commission of other  
2 acts of child molestation to be admissible in certain child molestation cases.

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

4 Section 1. In a criminal case in which the defendant is accused of an offense involving the  
5 molestation of a child under the age of thirteen, evidence of the defendant's commission of  
6 another offense or offenses involving the molestation of a child under the age of thirteen is  
7 admissible, and may be considered for its bearing on any matter to which it is relevant.

8 Section 2. In a case in which the prosecution intends to offer evidence under section 1 of this  
9 Act, the attorney for the prosecution shall disclose the evidence to the defendant, including  
10 statements of witnesses or a summary of the substance of any testimony that is expected to be  
11 offered, at least fifteen days before the scheduled date of trial or at such later time as the court  
12 may allow for good cause.

13 Section 3. For the purposes of section 1 of this Act, the term, offenses involving the  
14 molestation of a child under the age of thirteen, means a crime under the law of this state that  
15 involved any conduct proscribed by subdivision (1) of § 22-22-1 or any conduct against a child



1 under the age of thirteen proscribed by § 22-22-7.