

State of South Dakota

SEVENTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 1997

664A0173

SENATE BILL NO. 86

Introduced by: The Committee on Judiciary at the request of the Chief Justice

1 FOR AN ACT ENTITLED, An Act to revise the standard of proof concerning whether certain
2 acts of physicians are within the scope of their practice.

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

4 Section 1. That § 22-22-2 be amended to read as follows:

5 22-22-2. Sexual penetration means an act, however slight, of sexual intercourse, cunnilingus,
6 fellatio, anal intercourse, or any intrusion, however slight, of any part of the body or of any
7 object into the genital ~~and~~ or anal openings of another person's body. All of the foregoing acts
8 of sexual penetration, except sexual intercourse, are also defined as sodomy. Practitioners of the
9 healing arts lawfully practicing within the scope of their practice, ~~which determination shall be~~
10 ~~conclusive as against the state and shall be made by the court prior to trial,~~ are not included
11 within the provisions of this section.