

AN ACT

ENTITLED, An Act to revise the crime of indecent exposure.

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

Section 1. That § 22-24-1 be repealed.

Section 2. That chapter 22-24 be amended by adding thereto a NEW SECTION to read as follows:

A person commits the crime of public indecency if the person, with an immoral purpose, exposes his or her anus or genitals in a public place where another may be present who will be offended or alarmed by the person's act. A violation of this section is a Class 2 misdemeanor.

Section 3. That chapter 22-24 be amended by adding thereto a NEW SECTION to read as follows:

A person commits the crime of indecent exposure if, with the intent to arouse or gratify the sexual desire of any person, the person exposes his or her genitals in a public place under circumstances in which that person knows that person's conduct is likely to annoy, offend, or alarm another person. A violation of this section is a Class 1 misdemeanor. However, if such person has been previously convicted of a felony violation of § 22-22-1, 22-22-7, 22-22-19.1, or 22-22-23, that person is guilty of a Class 6 felony. Any person convicted of a third or subsequent violation of either this section or of § 22-24-1 is guilty of a Class 6 felony.

Section 4. That § 22-22-30 be amended to read as follows:

22-22-30. For the purposes of §§ 22-22-31 to 22-22-39, inclusive, a sex crime is any of the following crimes regardless of the date of the commission of the offense or the date of conviction:

- (1) Rape as set forth in § 22-22-1;
- (2) Sexual contact with a minor under sixteen as set forth in § 22-22-7 if committed by an adult and the adult is convicted of a felony;
- (3) Sexual contact with a person incapable of consenting as set forth in § 22-22-7.2 if

committed by an adult;

- (4) Incest as set forth in § 22-22-19.1 if committed by an adult;
- (5) Photographing a child in an obscene act as set forth in § 22-22-23;
- (6) Possession of child pornography as set forth in § 22-22-23.1;
- (7) Sale of obscene pictures of a child as set forth in § 22-22-24;
- (8) Kidnapping, as set forth in § 22-19-1, if the victim of the criminal act is a minor;
- (9) Promotion of prostitution of a minor as set forth in subdivision 22-23-2(2);
- (10) Criminal pedophilia as set forth in § 22-22-30.1;
- (11) Felony indecent exposure as set forth in § 22-24-1 or indecent exposure as set forth in section 3 of this Act;
- (12) An attempt to commit any of the crimes listed in this section; or
- (13) Any crime committed in a place other than this state which would constitute a sex crime under this section if committed in this state.

An Act to revise the crime of indecent exposure.

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I certify that the attached Act  
originated in the

SENATE as Bill No. 36

\_\_\_\_\_  
Secretary of the Senate  
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\_\_\_\_\_  
President of the Senate

Attest:

\_\_\_\_\_  
Secretary of the Senate

\_\_\_\_\_  
Speaker of the House

Attest:

\_\_\_\_\_  
Chief Clerk

Senate Bill No. 36

File No. \_\_\_\_\_

Chapter No. \_\_\_\_\_

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Received at this Executive Office  
this \_\_\_\_ day of \_\_\_\_\_ ,

19\_\_ at \_\_\_\_ M.

By \_\_\_\_\_  
for the Governor  
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The attached Act is hereby  
approved this \_\_\_\_\_ day of  
\_\_\_\_\_, A.D., 19\_\_

\_\_\_\_\_  
Governor  
=====

STATE OF SOUTH DAKOTA,

ss.

Office of the Secretary of State

Filed \_\_\_\_\_, 19\_\_  
at \_\_\_\_\_ o'clock \_\_ M.

\_\_\_\_\_  
Secretary of State

By \_\_\_\_\_  
Asst. Secretary of State