

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

661E0352

HOUSE BILL NO. 1097

Introduced by: Representatives Michels, Abdallah, and Hennies (Thomas) and Senators
Bogue, Albers, Brosz, and Moore

1 FOR AN ACT ENTITLED, An Act to revise the definition of sexual contact.

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

3 Section 1. That § 22-22-7.1 be amended to read as follows:

4 22-22-7.1. As used in this chapter, the term, sexual contact, means any touching, not
5 amounting to rape, of the breasts of a female or the buttocks, genitalia, or anus of any person
6 with the intent to arouse or gratify the sexual desire of either party. Practitioners of the healing
7 arts lawfully practicing within the scope of their practice, which determination shall be conclusive
8 as against the state and shall be made by the court prior to trial, are not included within the
9 provisions of this section. In any pretrial proceeding under this section, the prosecution has the
10 burden of establishing probable cause.