

State of South Dakota

SEVENTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2002

400H0225

HOUSE BILL NO. 1013

Introduced by: The Committee on Judiciary at the request of the Department of Social Services

1 FOR AN ACT ENTITLED, An Act to define the term, abuse, as it relates to felony child abuse.

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

3 Section 1. That § 26-10-1 be amended to read as follows:

4 26-10-1. Any person who abuses, exposes, tortures, torments, or cruelly punishes a minor
5 in a manner which does not constitute aggravated assault, is guilty of a Class 4 felony. If the
6 victim is less than seven years of age, the person is guilty of a Class 3 felony. The use of
7 reasonable force, as provided in § 22-18-5, is a defense to an offense under this section.

8 The term, abuse, means any physical or emotional injury or set of injuries that impairs the
9 physical or emotional condition of the child, whether caused intentionally, knowingly, or
10 recklessly, whether by act or omission, including any burn, any fracture of any bone, any subdural
11 hematoma, any injury to any internal organ, any injury that occurs as the result of any repeated
12 harm to any bodily function or organ including human skin, any intracranial bleeding, swelling,
13 or contusion to the brain, whether caused by blows, shaking, or causing the child's head to
14 impact with an object or surface, or any physical or emotional condition that substantially
15 imperils a child's health or welfare.



1 If any person convicted of this offense is the minor's parent, guardian, or custodian, the court
2 shall include as part of the sentence, or conditions required as part of suspended execution or
3 imposition of such sentence, that the person receive instruction on parenting approved or
4 provided by the Department of Social Services.