

State of South Dakota

SEVENTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2002

763H0557

HOUSE BILL NO. 1157

Introduced by: Representatives Adelstein, Clark, Hennies (Thomas), Murschel, and Richter
and Senators Ham and Whiting

1 FOR AN ACT ENTITLED, An Act to require law enforcement agencies to inform victims of
2 possible rape or incest of the availability of post-coitus contraception.

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

4 Section 1. That chapter 22-22 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 If, in the course of any investigation by a law enforcement agency, any person alleges that
7 she is the victim of rape or incest, or if the investigation uncovers evidence that any person may
8 have been the victim of rape or incest, the law enforcement agency shall inform, without delay,
9 the possible rape or incest victim of the availability, proximity, and utility of post-coitus
10 contraception services. The provisions of this section do not apply if sufficient time has passed
11 since the alleged or suspected sexual intercourse as to render post-coitus contraception
12 ineffectual.

13 If the alleged or suspected victim of rape or incest is eighteen years of age or younger or is
14 mentally incompetent, the law enforcement agency shall inform the victim in the presence of one
15 or more of the possible victim's parents or guardians unless no parent or guardian is readily



- 1 available or, in the case of possible incest, it is either alleged or suspected that the father may be
- 2 the perpetrator.