

2021 South Dakota Legislature

House Bill 1096**AMENDMENT 1096A FOR THE INTRODUCED BILL**

1 **An Act to provide a penalty for sexual contact with a minor by a person holding a**
2 **position of authority.**

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

4 **Section 1.** That a NEW SECTION be added:

5 **22-22-7.8. Sexual contact with child under eighteen--Position of authority--**
6 **Penalty.**

7 A person is guilty of a Class ~~3-4~~ felony if the person:

8 (1) (a) Is at least eighteen years of age; and

9 (b) Is at least ~~two-five~~ years older than the victim;

10 (2) Is in a position of authority, as defined in this section; and

11 (3) Knowingly engages in sexual contact with another who is:

12 (a) Less than eighteen years of age; and

13 (b) Not the person's spouse.

14 For purposes of this section, a person is in a position of authority if the person, at
15 the time of the sexual contact, or within the one-hundred-twenty-day period immediately
16 preceding the sexual contact, interacts, no matter how briefly, with the victim as a coach,
17 child care provider, disability services provider, employer, guardian ad litem, health care
18 provider, law enforcement officer, mental health counselor, probation officer, religious
19 leader, school administrator, social worker, teacher, therapist, or youth leader, or while
20 holding any similar position involving the victim's supervision or trust.

21 Notwithstanding § 23A-42-2, a charge pursuant to this section may be brought at
22 any time before the victim reaches the age of twenty-five or within seven years from the
23 commission of the crime, whichever is longer.