

2021 South Dakota Legislature

House Bill 1096**AMENDMENT 1096B FOR THE HOUSE JUDICIARY 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 4~~ **Class 6** felony if the person:

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

9 (b) Is at least 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.