



2022 South Dakota Legislature

Senate Bill 81

Introduced by: **Senator Duhamel**

1 **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:**

4 **22-22-7.1.** As used in this chapter, the term, sexual contact, means any touching
 5 with the intent to arouse or gratify the sexual desire of either party, not amounting to
 6 rape, whether or not through clothing or other covering, of the ~~breasts of a female or the~~
 7 ~~genitalia or anus of any person with the intent to arouse or gratify the sexual desire of~~
 8 ~~either party.~~;

9 (1) Breasts of a female; or

10 (2) Genitalia, anus, buttocks, or inner thighs of any person.

11 Practitioners of the healing arts lawfully practicing within the scope of their
 12 practice, which determination ~~shall be~~ is conclusive as against the state and ~~shall~~ must be
 13 made by the court prior to trial, are not included within the provisions of this section. In
 14 any pretrial proceeding under this section, the prosecution has the burden of establishing
 15 probable cause.