



2022 South Dakota Legislature

House Bill 1099

HOUSE JUDICIARY ENGROSSED

Introduced by: **Representative Reed**

1 **An Act to revise provisions related to courtroom modifications for child witnesses.**

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

3 **Section 1. That § 26-8A-30 be AMENDED:**

4 **26-8A-30.** In any proceeding in which a child under the age of ~~twelve~~, or a child
 5 ~~twelve years of age or older who is developmentally disabled as defined in § 27B-1-18,~~
 6 eighteen is describing any act of sexual contact or rape performed with or on the child by
 7 another, ~~or describing~~ any act of physical abuse or neglect of the child by another, ~~or~~ any
 8 act of physical abuse or neglect of another child, any act of human trafficking of the child
 9 by another, or any act constituting a crime of violence as defined in § 22-1-2 committed
 10 against the child or another child, the court or any party may move to allow that the
 11 testimony of the child be taken in a room other than the courtroom and televised at the
 12 same time to the courtroom by closed circuit television equipment. Prior to allowing the
 13 child to testify under this section, the court shall hold a hearing outside the presence of
 14 the jury and make a finding on the record that testimony by the child in the courtroom
 15 will cause the child to suffer more than de minimis emotional distress and that testifying
 16 under the provisions of this section is necessary to protect the welfare of the child.