



2022 South Dakota Legislature

Senate Bill 81

HOUSE JUDICIARY ENGROSSED

Introduced by: **Senator Duhamel**

1 **An Act to revise the definition of sexual contact for purposes of sexual contact with**
 2 **a child under eighteen by a person in a position of authority.**

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

4 **Section 1. That § 22-22-7.8 be AMENDED:**

5 **22-22-7.8.** A person is guilty of a Class 6 felony if the person:

6 (1) (a) Is at least eighteen years of age; and
 7 (b) Is at least five years older than the victim;
 8 (2) Is in a position of authority, as defined in this section; and
 9 (3) Knowingly engages in sexual contact, or touches the buttocks or upper inner thighs
 10 with the intent to arouse or gratify the sexual desire of either party, with another
 11 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, guardian ad litem, health care provider,
 18 law enforcement officer, mental health counselor, probation officer, religious leader,
 19 school administrator, social worker, teacher, therapist, or youth leader.

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