



2025 South Dakota Legislature  
**Senate Bill 115**  
**ENROLLED**

AN ACT

**ENTITLED An Act to revise a provision related to sexual contact with a child under eighteen.**

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

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

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

- (1) Is at least eighteen years of age;
- (2) Is at least five years older than the victim;
- (3) Is in a position of authority, as defined in this section, or is a family member related by consanguinity or affinity within the fifth degree, as defined by § 23A-20-30, to the victim; and
- (4) Knowingly engages in sexual contact, or touches the buttocks or upper inner thighs of the victim with the intent to arouse or gratify the sexual desire of the person or the victim, with a victim who is:
  - (a) Less than eighteen years of age; and
  - (b) Not the person's spouse.

For purposes of this section, a person is in a position of authority if the person, at the time of the sexual contact, or within the one-hundred-twenty-day period immediately preceding the sexual contact, interacts, no matter how briefly, with the victim as a coach, child care provider, disability services provider, guardian ad litem, health care provider, law enforcement officer, mental health counselor, probation officer, religious leader, school administrator, social worker, teacher, therapist, or youth leader.

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

An Act to revise a provision related to sexual contact with a child under eighteen.

\_\_\_\_\_  
I certify that the attached Act originated in  
the:  
Senate as Bill No. 115

\_\_\_\_\_  
Received at this Executive Office  
this \_\_\_\_ day of \_\_\_\_\_,  
2025 at \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of the Senate

By \_\_\_\_\_  
for the Governor

\_\_\_\_\_  
President of the Senate

The attached Act is hereby  
approved this \_\_\_\_ day of  
\_\_\_\_\_, A.D., 2025

Attest:

\_\_\_\_\_  
Secretary of the Senate

\_\_\_\_\_  
Governor

**STATE OF SOUTH DAKOTA,**

Office of the Secretary of State

ss.

\_\_\_\_\_  
Speaker of the House

Attest:

Filed \_\_\_\_\_, 2025  
at \_\_\_\_\_ o'clock \_\_ M.

\_\_\_\_\_  
Chief Clerk

\_\_\_\_\_  
Secretary of State

Senate Bill No. 115  
File No. \_\_\_\_\_  
Chapter No. \_\_\_\_\_

By \_\_\_\_\_  
Asst. Secretary of State