

State of South Dakota

NINETY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 2019

544B0520

SENATE BILL NO. 74

Introduced by: Senators Schoenbeck, Rusch, Russell, and Stalzer and Representatives
Barthel, Diedrich, Hammock, and Hansen

1 FOR AN ACT ENTITLED, An Act to revise provisions regarding multiple convictions for
2 certain offenses.

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

4 Section 1. That § 22-18-1 be amended to read:

5 22-18-1. ~~Any~~ A person who is guilty of simple assault, a Class 1 misdemeanor, if the person:

6 (1) Attempts to cause bodily injury to another and has the actual ability to cause the
7 injury;

8 (2) Recklessly causes bodily injury to another;

9 (3) Negligently causes bodily injury to another with a dangerous weapon;

10 (4) Attempts by physical menace or credible threat to put another in fear of imminent
11 bodily harm, with or without the actual ability to harm the other person; or

12 (5) Intentionally causes bodily injury to another which does not result in serious bodily
13 injury;

14 ~~is guilty of simple assault. Simple assault is a Class 1 misdemeanor. However, if~~ If the

15 defendant has been convicted of, or entered a plea of guilty to, two or more violations of ~~§ 22-~~



1 ~~18-1~~ simple assault under this section, simple assault or aggravated assault under § 22-18-1.05,
2 aggravated assault under § 22-18-1.1, assault under § 22-18-26, intentional contact with bodily
3 fluids under § 22-18-26.1, or assault under § 22-18-29 within ten years of committing the
4 current offense, the defendant is guilty of a Class 6 felony for any third or subsequent offense.