

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

400E0342

HOUSE BILL NO. 1051

Introduced by: The Committee on Judiciary at the request of the Department of Social Services

1 FOR AN ACT ENTITLED, An Act to increase the punishment for felony child abuse of a child
2 under seven years of age and to designate the offense as a crime of violence.

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

4 Section 1. That § 26-10-1 be amended to read as follows:

5 26-10-1. Any person who abuses, exposes, tortures, torments, or cruelly punishes a minor
6 in a manner which does not constitute aggravated assault, is guilty of a Class 4 felony. If the
7 victim is less than seven years of age, the person is guilty of a Class 3 felony. The use of
8 reasonable force by a parent, guardian, or teacher in correcting a child, as provided in § 22-18-5,
9 is a defense to this offense.

10 If any person convicted of this offense is the minor's parent, guardian, or custodian, the court
11 shall include as part of the sentence, or conditions required as part of suspended execution or
12 imposition of such sentence, that the person receive instruction on parenting approved or
13 provided by the Department of Social Services. ~~This requirement does not apply if there is a~~
14 ~~reasonable expectation that parental rights will be terminated.~~

15 Section 2. That subdivision (9) of § 22-1-2 be amended to read as follows:

1 (9) "Crime of violence," any of the following crimes or an attempt to commit, or a
2 conspiracy to commit, any of the same: murder, manslaughter, rape, aggravated
3 assault, riot, robbery, burglary in the first or second degree, arson, kidnapping, felony
4 sexual contact as defined in §§ 22-22-7 and 22-22-19.1, felony child abuse as defined
5 in § 26-10-1, or any other felony in the commission of which the perpetrator used
6 force, or was armed with a dangerous weapon, or used any explosive or destructive
7 device;
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