

State of South Dakota

EIGHTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2008

400P0239

HOUSE BILL NO. 1064

Introduced by: The Committee on Judiciary at the request of the Office of the Attorney General

1 FOR AN ACT ENTITLED, An Act to revise the crime of aggravated incest.

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

3 Section 1. That § 22-22A-3 be amended to read as follows:

4 22-22A-3. Any person who knowingly engages in an act of sexual penetration with a person
5 who:

6 (1) Is ~~at least sixteen but~~ less than eighteen years of age; and

7 (2) Is either:

8 (a) The child of the perpetrator or the child of a spouse or former spouse of the
9 perpetrator; ~~or~~

10 (b) Related to the perpetrator within degrees of consanguinity within which
11 marriages are, by the laws of this state, declared void pursuant to § 25-1-6; or

12 (c) The foster child of the perpetrator;

13 is guilty of aggravated incest. Aggravated incest is a Class 3 felony.

