

State of South Dakota

EIGHTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2012

718T0593

SENATE BILL NO. 148

Introduced by: Senators Rave, Cutler, Holien, and Tieszen and Representatives Hunt, Gosch, Lust, and Turbiville

1 FOR AN ACT ENTITLED, An Act to revise certain provisions relating to battery committed
2 against infants and unborn children.

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

4 Section 1. That chapter 22-18 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 Any person who intentionally or recklessly causes serious bodily injury to an infant, less
7 than three years old, by causing any intracranial or intraocular bleeding, or swelling of or
8 damage to the brain, whether caused by blows, shaking, or causing the infant's head to impact
9 with an object or surface is guilty of aggravated battery of an infant. Aggravated battery of an
10 infant is a Class 2 felony. A second or subsequent violation of this section is a Class 1 felony.

11 Section 2. That § 22-18-1.2 be amended to read as follows:

12 22-18-1.2. Any person who assaults a pregnant woman and inflicts bodily injury on an
13 unborn child who is subsequently born alive is guilty of ~~simple assault~~ criminal battery of an
14 unborn child. Criminal battery of an unborn child is a Class 1 misdemeanor. For the purposes
15 of this section, the term, bodily injury, does not include the inducement of the unborn child's



1 birth if done for bona fide medical purposes.

2 Section 3. That § 22-18-1.3 be amended to read as follows:

3 22-18-1.3. Any person who assaults a pregnant woman and inflicts serious bodily injury on
4 an unborn child who is subsequently born alive is guilty of aggravated ~~assault~~ criminal battery
5 of an unborn child. Aggravated criminal battery of an unborn child is a Class 3 felony.

6 Section 4. That § 22-18-1.1 be amended to read as follows:

7 22-18-1.1. Any person who:

8 (1) Attempts to cause serious bodily injury to another, or causes such injury, under
9 circumstances manifesting extreme indifference to the value of human life;

10 (2) Attempts to cause, or knowingly causes, bodily injury to another with a dangerous
11 weapon;

12 (3) Deleted by SL 2005, ch 120, § 2;

13 (4) Assaults another with intent to commit bodily injury which results in serious bodily
14 injury;

15 (5) Attempts by physical menace with a deadly weapon to put another in fear of
16 imminent serious bodily harm; or

17 (6) Deleted by SL 2005, ch 120, § 2;

18 (7) ~~Intentionally or recklessly causes serious bodily injury to an infant, less than three~~
19 ~~years old, by causing any intracranial or intraocular bleeding, or swelling of or~~
20 ~~damage to the brain, whether caused by blows, shaking, or causing the infant's head~~
21 ~~to impact with an object or surface;~~

22 is guilty of aggravated assault. Aggravated assault is a Class 3 felony. ~~However, a violation of~~
23 ~~subdivision (7) is a Class 2 felony. A second or subsequent violation of subdivision (7) is a~~
24 ~~Class 1 felony.~~