

State of South Dakota

EIGHTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2012

295T0741

SENATE JUDICIARY ENGROSSED NO. **SB 156** 2/2/2012

Introduced by: Senators Tieszen, Cutler, Holien, and Rave and Representatives Lust, Cronin, Gibson, Hoffman, Moser, Sly, Turbiville, and Wick

1 FOR AN ACT ENTITLED, An Act to establish strangulation as one element of the crime of
2 aggravated assault.

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

4 Section 1. That § 22-18-1.1 be amended to read as follows:

5 22-18-1.1. Any person who:

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

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

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

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

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



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

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

6 (8) Attempts to induce a fear of death or imminent serious bodily harm by impeding the
7 normal breathing or circulation of the blood of another person by applying pressure
8 on the throat or neck, or by blocking the nose and mouth;

9 is guilty of aggravated assault. Aggravated assault is a Class 3 felony. However, a violation of
10 subdivision (7) is a Class 2 felony. A second or subsequent violation of subdivision (7) is a
11 Class 1 felony.