

State of South Dakota

SEVENTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 1997

400A0662

SENATE ENGROSSED NO. **HB1259** - 2/26/97

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

1 FOR AN ACT ENTITLED, An Act to provide certain provisions regarding inmate assault
2 against Department of Corrections or county jail employees and to declare an emergency.

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 convicted person under the jurisdiction of the Department of Corrections who
7 intentionally throws, smears, or otherwise causes blood, emesis, mucus, semen, excrement, or
8 human waste to come in contact with a Department of Corrections employee, or visitor, or
9 volunteer authorized by the Department of Corrections, or person under contract assigned to the
10 Department of Corrections is guilty of a Class 6 felony.

11 Section 2. That chapter 22-18 be amended by adding thereto a NEW SECTION to read as
12 follows:

13 A penitentiary sentence arising from a conviction pursuant to section 1 of this Act may not
14 commence until the expiration, with no allowance of good time, of the last sentence of
15 imprisonment, pursuant to § 23A-27-36.

16 Section 3. That chapter 22-18 be amended by adding thereto a NEW SECTION to read as

1 follows:

2 An inmate sentenced pursuant to section 1 of this Act shall serve the entire term of the
3 sentence and is not eligible for parole release as authorized under chapter 24-15A.

4 Section 4. 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) Attempts to cause or knowingly causes any bodily injury to a law enforcement officer
11 or other public officer engaged in the performance of ~~his~~ the officer's duties;

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

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

16 (6) Is a convicted person under the jurisdiction of the Department of Corrections and
17 attempts to cause, or knowingly causes bodily injury to a Department of Corrections
18 employee, or authorized visitor, volunteer, or person under contract assigned to the
19 Department of Corrections;

20 is guilty of aggravated assault. Aggravated assault is a Class 3 felony.

21 Section 5. Whereas, this Act is necessary for the immediate preservation of the public
22 peace, health, or safety, an emergency is hereby declared to exist, and this Act shall be in full
23 force and effect from and after its passage and approval.

24 Section 6. That chapter 22-18 be amended by adding thereto a NEW SECTION to read
25 as follows:

1 Any person convicted of a felony and confined in a county jail who intentionally throws,
2 smears, or otherwise causes blood, emesis, mucus, semen, excrement, or human waste to come
3 in contact with a county jail employee, or visitor, or volunteer authorized by the county jail, or
4 person under contract assigned to the county jail is guilty of a Class 6 felony.

1 **BILL HISTORY**

2 2/3/97 First read in House and referred to Judiciary. H.J. 266

3 2/10/97 Scheduled for Committee hearing on this date.

4 2/10/97 Judiciary Do Pass Amended, Passed, AYES 11, NAYS 2.

5 2/12/97 Deferred to another day. H.J. 454

6 2/13/97 Motion to Amend, Passed. H.J. 466

7 2/13/97 House of Representatives Do Pass Amended, Passed, AYES 51, NAYS 17. H.J. 466

8 2/14/97 First read in Senate and referred to Judiciary. S.J. 461

9 2/21/97 Scheduled for Committee hearing on this date.

10 2/21/97 Judiciary Do Pass, Passed, AYES 6, NAYS 0. S.J. 591

11 2/21/97 Judiciary Reconsidered.

12 2/21/97 Judiciary Do Pass Amended, Passed, AYES 6, NAYS 0. S.J. 591

13 2/21/97 Judiciary Title Amended.

14 2/25/97 Motion to Amend, Passed.

15 2/25/97 Motion to Amend, Passed.

16 2/25/97 Senate Do Pass Amended, Passed, AYES 32, NAYS 0. S.J. 635

17 2/25/97 Senate Title Amended.