

# State of South Dakota

SEVENTY-SECOND SESSION  
LEGISLATIVE ASSEMBLY, 1997

904A0413

## SENATE BILL NO. 113

Introduced by: Senators Hutmacher and Whiting and Representative Cerny

1 FOR AN ACT ENTITLED, An Act to establish degrees of unlawful occupancy and prescribe  
2 penalties therefor.

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

4 Section 1. That § 22-35-5 be amended to read as follows:

5 22-35-5. Any person who, knowing that ~~he~~ the person is not privileged to do so, enters or  
6 surreptitiously remains in any unoccupied building or structure, is guilty of unlawful occupancy  
7 in the second degree. Unlawful occupancy in the second degree is a Class 1 misdemeanor. Any  
8 person who, knowing that the person is not privileged to do so, enters or surreptitiously remains  
9 in any occupied building or structure, is guilty of unlawful occupancy in the first degree.  
10 Unlawful occupancy in the first degree is a Class 6 felony.