

State of South Dakota

SEVENTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 1997

904A0413

SENATE ENGROSSED NO. **SB113** - 2/6/97

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 building or structure, where another person is present, is guilty of unlawful occupancy in
10 the first degree. Unlawful occupancy in the first degree is a Class 6 felony.

1 **BILL HISTORY**

2 1/23/97 First read in Senate and referred to Judiciary. S.J. 140

3 1/31/97 Scheduled for Committee hearing on this date.

4 1/31/97 Judiciary Do Pass, AYES 6, NAYS 1. S.J. 274

5 2/4/97 Deferred to another day. S.J. 310

6 2/5/97 Senate Do Pass Amended, AYES 33, NAYS 2.