

State of South Dakota

SEVENTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 1998

781B0683

HOUSE BILL NO. 1230

Introduced by: Representatives Windhorst, Apa, Duenwald, Fiegen, Gabriel, Hagen, Jaspers, Koetzle, Koskan, Napoli, Smidt, and Wick and Senators Staggers, Aker, Albers, and Lawler

1 FOR AN ACT ENTITLED, An Act to provide a defense to aggravated assault under certain
2 circumstances.

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) Attempts to cause or knowingly causes any bodily injury to a law enforcement officer
11 or other public officer engaged in the performance of the officer's duties;
- 12 (4) Assaults another with intent to commit bodily injury which results in serious bodily
13 injury;
- 14 (5) Attempts by physical menace with a deadly weapon to put another in fear of imminent
15 serious bodily harm; or

1 (6) Is a convicted person under the jurisdiction of the Department of Corrections and
2 attempts to cause, or knowingly causes bodily injury to a Department of Corrections
3 employee, or authorized visitor, volunteer, or person under contract assigned to the
4 Department of Corrections;

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

6 However, a violation of subdivision (5) is justifiable if committed by any person in the lawful
7 defense of such person, or of another person, if there is reasonable ground to apprehend a design
8 to commit a felony, or to do some great personal injury, and imminent danger of such design
9 being accomplished.