

State of South Dakota

SEVENTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 1998

385B0295

SENATE BILL NO. 133

Introduced by: Senators Lawler, Albers, Dennert, Hunhoff, Hutmacher, and Reedy and
Representatives Brown (Jarvis), Crisp, Cutler, Duniphan, Fischer-Clemens,
Matthews, Schaunaman, Smidt, Sperry, and Waltman

1 FOR AN ACT ENTITLED, An Act to provide for felony enhancement for third offense simple
2 assault.

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

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

5 22-18-1. Any person who:

- 6 (1) Attempts to cause bodily injury to another, other than a law enforcement officer
7 engaged in the performance of his duties, and has the actual ability to cause the injury;
- 8 (2) Recklessly causes bodily injury to another;
- 9 (3) Negligently causes bodily injury to another with a dangerous weapon;
- 10 (4) Attempts by physical menace to put another in fear of imminent serious bodily harm,
11 with or without the actual ability to seriously harm the other person; or
- 12 (5) Intentionally causes bodily injury to another which does not result in serious bodily
13 injury; is guilty of simple assault.

14 Simple assault is a Class 1 misdemeanor. However, if the defendant has been convicted of
15 two or more violations of this section within five years of committing the current offense, the

1 defendant is guilty of a Class 6 felony.