

AN ACT

ENTITLED, An Act to revise and expand certain provisions relating to third offense assault.

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

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

22-18-1. Any person who:

- (1) Attempts to cause bodily injury to another, other than a law enforcement officer engaged in the performance of official duties, and has the actual ability to cause the injury;
- (2) Recklessly causes bodily injury to another;
- (3) Negligently causes bodily injury to another with a dangerous weapon;
- (4) Attempts by physical menace to put another in fear of imminent serious bodily harm, with or without the actual ability to seriously harm the other person; or
- (5) Intentionally causes bodily injury to another which does not result in serious bodily injury;

is guilty of simple assault.

Simple assault is a Class 1 misdemeanor. However, if the defendant has been convicted of, or entered a plea of guilty to, two or more violations of § 22-18-1, 22-18-1.1, 22-18-26, or 22-18-29 within five years of committing the current offense, the defendant is guilty of a Class 6 felony for any third or subsequent offense.

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

Any conviction for, or plea of guilty to, an offense in another state which, if committed in this state, would constitute a violation of § 22-18-1, 22-18-1.1, 22-18-26, or 22-18-29, and which occurs within five years prior to the date of the violation being charged, shall be used to determine if the violation to be charged is a third or subsequent offense pursuant to section 1 of this Act.

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I certify that the attached Act
originated in the

SENATE as Bill No. 130

Secretary of the Senate

President of the Senate

Attest:

Secretary of the Senate

Speaker of the House

Attest:

Chief Clerk

Senate Bill No. 130
File No. _____
Chapter No. _____

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Received at this Executive Office
this ____ day of _____ ,

19__ at _____ M.

By _____
for the Governor

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The attached Act is hereby
approved this _____ day of
_____, A.D., 19__

Governor

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STATE OF SOUTH DAKOTA,
ss.
Office of the Secretary of State

Filed _____, 19__
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State