

State of South Dakota

SEVENTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 1999

475C0481

SENATE BILL NO. 130

Introduced by: Senators Whiting, Albers, Brosz, Drake, and Staggers and Representatives
Hennies, Duniphan, Fitzgerald, McCoy, and Wilson

1 FOR AN ACT ENTITLED, An Act to revise and expand certain provisions relating to third
2 offense 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~~ official duties, and has the actual ability to cause
8 the injury;

9 (2) Recklessly causes bodily injury to another;

10 (3) Negligently causes bodily injury to another with a dangerous weapon;

11 (4) Attempts by physical menace to put another in fear of imminent serious bodily harm,
12 with or without the actual ability to seriously harm the other person; or

13 (5) Intentionally causes bodily injury to another which does not result in serious bodily
14 injury;

15 is guilty of simple assault.

16 Simple assault is a Class 1 misdemeanor. However, if the defendant has been convicted of,

1 or entered a plea of guilty to, two or more violations of ~~this section~~ § 22-18-1, 22-18-1.1, 22-18-
2 26, or 22-18-29 within five years of committing the current offense, the defendant is guilty of
3 a Class 6 felony for any third or subsequent offense.

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

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