

# State of South Dakota

SEVENTY-FOURTH SESSION  
LEGISLATIVE ASSEMBLY, 1999

653C0695

## SENATE JUDICIARY COMMITTEE ENGROSSED NO. **SB162** - 2/2/99

Introduced by: Senators Everist, Halverson, and Rounds and Representatives Michels, Cutler,  
and Hunt

1 FOR AN ACT ENTITLED, An Act to increase the penalty for second convictions for criminal  
2 pedophilia.

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

4 Section 1. That § 22-22-30.1 be amended to read as follows:

5 22-22-30.1. Criminal pedophilia is any act of sexual penetration accomplished with a victim  
6 less than thirteen years of age by any person twenty-six years of age or older under any  
7 circumstances not constituting incest as defined in subdivision 22-22-1(6). Criminal pedophilia  
8 is a Class 1 felony. If any person is convicted of criminal pedophilia, the court shall impose a  
9 minimum sentence of twenty-five years for a first offense. If any person is convicted for a second  
10 offense, the court shall impose a sentence of life without parole. However, the sentencing court  
11 may impose a sentence other than that specified in this section if the court finds that mitigating  
12 circumstances exist which require a departure from the mandatory sentence provided for in this  
13 section. The court's finding of mitigating circumstances allowed by this section and the factual  
14 basis relied upon by the court shall be in writing.

1 **BILL HISTORY**

2 1/27/99 First read in Senate and referred to Judiciary. S.J. 213

3 2/1/99 Scheduled for Committee hearing on this date.

4 2/1/99 Judiciary Do Pass Amended, Passed, AYES 7, NAYS 0. S.J. 272