

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

565D0649

HOUSE BILL NO. 1308

Introduced by: Representatives McIntyre, Brown (Jarvis), Brown (Richard), Clark, Duniphan, Fischer-Clemens, Fitzgerald, Garnos, Haley, Hennies, Hunt, Koetzle, Kooistra, Lockner, Lucas, Michels, Nachtigal, Patterson, Slaughter, Sutton (Daniel), and Wilson and Senators Duxbury, Albers, Brosz, Dunn (Rebecca), Flowers, Hutmacher, Lange, Lawler, Moore, Olson, Paisley, Reedy, Shoener, and Vitter

1 FOR AN ACT ENTITLED, An Act to prohibit the possession of certain forms of computer-
2 related child pornography.

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

4 Section 1. That § 22-22-23.1 be amended to read as follows:

5 22-22-23.1. Any person who knowingly possesses any ~~book, magazine, pamphlet, slide,~~
6 ~~photograph, or film depicting~~ depiction fixed in any tangible medium of expression of a minor
7 under the age of eighteen years engaging in a prohibited sexual act or in the simulation of such
8 act or whose knowing possession encourages, aids, abets, or entices any person to commit a
9 prohibited sexual act is guilty of a Class 6 felony.

10 Section 2. For the purposes of this Act, a depiction includes any depiction, representation,
11 or description, however perceived, and any data compilation or set of commands intended for
12 use to store, to retrieve, or to generate such depictions, representations, or descriptions by any
13 electronic means.

14 Section 3. For the purposes of this Act, the term, tangible media of expression, includes,
15 without limitation, printed materials, plastic media, photographs, film, and any electronic

1 communications systems used to display depictions.