

State of South Dakota

SEVENTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2002

358H0670

SENATE ENGROSSED NO. **HB 1283** - 02/14/2002

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.

Introduced by: Representatives Eccarius and Michels and Senators Daugaard, Diedrich (Larry), and Everist

1 FOR AN ACT ENTITLED, An Act to define certain serious injuries to infants as aggravated
2 assault and to provide a penalty therefor.

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

4 Section 1. That § 22-18-1.1 be amended to read as follows:

5 22-18-1.1. Any person who:

- 6 (1) Attempts to cause serious bodily injury to another, or causes such injury, under
7 circumstances manifesting extreme indifference to the value of human life;
- 8 (2) Attempts to cause, or knowingly causes, bodily injury to another with a dangerous
9 weapon;
- 10 (3) Attempts to cause or knowingly causes any bodily injury to a law enforcement officer
11 or other public officer engaged in the performance of the officer's duties;
- 12 (4) Assaults another with intent to commit bodily injury which results in serious bodily
13 injury;
- 14 (5) Attempts by physical menace with a deadly weapon to put another in fear of imminent



1 serious bodily harm; ~~or~~

2 (6) Is a convicted person under the jurisdiction of the Department of Corrections and
3 attempts to cause, or knowingly causes bodily injury to a Department of Corrections
4 employee, or authorized visitor, volunteer, or person under contract assigned to the
5 Department of Corrections; or

6 (7) Attempts to cause or causes serious bodily injury to an infant, less than three years
7 old, by causing any intracranial or intraocular bleeding, swelling, or contusion to the
8 brain, whether caused by blows, shaking, or causing the infant's head to impact with
9 an object or surface;

10 is guilty of aggravated assault. Aggravated assault is a Class 3 felony. However, a violation of
11 subdivision (7) is a Class 2 felony.