

AN ACT

ENTITLED, An Act to provide for the crime of bestiality and to prescribe certain penalties therefor.

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

Section 1. That chapter 22-22 be amended by adding thereto a NEW SECTION to read as follows:

No person, for the purpose of that person's sexual gratification, may:

- (1) Engage in a sexual act with an animal; or
- (2) Coerce any other person to engage in a sexual act with an animal; or
- (3) Use any part of the person's body or an object to sexually stimulate an animal; or
- (4) Videotape a person engaging in a sexual act with an animal; or
- (5) Kill or physically abuse an animal.

Any person who violates any provision of this section is guilty of the crime of bestiality. Bestiality is a Class 6 felony. However, if any person has been previously convicted of a sex crime pursuant to § 22-22-30, any subsequent violation of this section is a Class 5 felony.

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

For the purposes of section 1 of this Act, the term, sexual act with an animal, means any act between a person and an animal involving direct physical contact between the genitals of one and the mouth or anus of the other, or direct physical contact between the genitals of one and the genitals of the other. A sexual act with an animal may be proved without evidence of penetration.

Section 3. That chapter 22-22 be amended by adding thereto a NEW SECTION to read as follows:

The provisions of section 1 of this Act do not apply to or prohibit normal, ordinary, or accepted practices involved in animal husbandry, artificial insemination, or veterinary medicine.

Section 4. That § 22-22-30 be amended to read as follows:

22-22-30. For the purposes of §§ 22-22-31 to 22-22-39, inclusive, a sex crime is any of the following crimes regardless of the date of the commission of the offense or the date of conviction:

- (1) Rape as set forth in § 22-22-1;
- (2) Sexual contact with a minor under sixteen as set forth in § 22-22-7 if committed by an adult and the adult is convicted of a felony;
- (3) Sexual contact with a person incapable of consenting as set forth in § 22-22-7.2 if committed by an adult;
- (4) Incest as set forth in § 22-22-19.1 if committed by an adult;
- (5) Possessing, manufacturing, or distributing child pornography as set forth in § 22-22-24.2;
- (6) Sale of child pornography as set forth in § 22-22-24;
- (7) Sexual exploitation of a minor as set forth in § 22-22-24.3;
- (8) Kidnapping, as set forth in § 22-19-1, if the victim of the criminal act is a minor;
- (9) Promotion of prostitution of a minor as set forth in subdivision 22-23-2 (2);
- (10) Criminal pedophilia as set forth in § 22-22-30.1;
- (11) Felony indecent exposure as set forth in former § 22-24-1 or indecent exposure as set forth in § 22-24-1.2;
- (12) Solicitation of a minor as set forth in § 22-22-24.5;
- (13) Bestiality as set forth in section 1 of this Act;
- (14) An attempt to commit any of the crimes listed in this section;
- (15) Any crime committed in a place other than this state which would constitute a sex crime under this section if committed in this state;
- (16) Any federal crime or court martial that would constitute a sex crime under federal law; or
- (17) Any crime committed in another state if that state also requires that anyone convicted of

that crime register as a sex offender in that state.

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I certify that the attached Act
originated in the

HOUSE as Bill No. 1061

Chief Clerk

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Speaker of the House

Attest:

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1061

File No. _____

Chapter No. _____

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Received at this Executive Office
this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor

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The attached Act is hereby
approved this _____ day of
_____, A.D., 20____

Governor

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STATE OF SOUTH DAKOTA,
SS.

Office of the Secretary of State

Filed _____, 20____
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State