

State of South Dakota

SEVENTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2003

499I0156

HOUSE BILL NO. 1113

Introduced by: Representatives Hennies and McCoy and Senators Albers, Abdallah,
Duniphan, Kleven, Kooistra, and Vitter

1 FOR AN ACT ENTITLED, An Act to revise certain provisions relating to third offense assault.

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

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

4 22-18-1. Any person who:

5 (1) Attempts to cause bodily injury to another, other than a law enforcement officer
6 engaged in the performance of official duties, and has the actual ability to cause the
7 injury;

8 (2) Recklessly causes bodily injury to another;

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

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

12 (5) Intentionally causes bodily injury to another which does not result in serious bodily
13 injury; is guilty of simple assault.

14 Simple assault is a Class 1 misdemeanor. However, if the defendant has been convicted of,
15 or entered a plea of guilty to, two or more violations of § 22-18-1, 22-18-1.1, 22-18-26, or



- 1 22-18-29 within ~~five~~ ten years of committing the current offense, the defendant is guilty of a
- 2 Class 6 felony for any third or subsequent offense.