

State of South Dakota

SEVENTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2004

448J0308

HOUSE BILL NO. 1104

Introduced by: Representatives Hennies, Bartling, Bradford, Buckingham, Christensen, Davis, Elliott, Gillespie, Hanson, Hunhoff, LaRue, McCaulley, McCoy, McLaughlin, O'Brien, Olson (Mel), Peterson (Jim), Schafer, Sigdestad, and Solum and Senators Ham-Burr, Abdallah, Duenwald, Duniphan, Kelly, Kleven, Knudson, Koetzle, Nachtigal, Olson (Ed), Reedy, Sutton (Dan), and Vitter

1 FOR AN ACT ENTITLED, An Act to define felony aggravated indecent exposure as a sex
2 crime for purposes of the registration of convicted sex offenders.

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

4 Section 1. That § 22-22-30 be amended to read as follows:

5 22-22-30. For the purposes of §§ 22-22-31 to 22-22-39, inclusive, a sex crime is any of the
6 following crimes regardless of the date of the commission of the offense or the date of
7 conviction:

- 8 (1) Rape as set forth in § 22-22-1;
- 9 (2) Sexual contact with a minor under sixteen as set forth in § 22-22-7 if committed by
10 an adult and the adult is convicted of a felony;
- 11 (3) Sexual contact with a person incapable of consenting as set forth in § 22-22-7.2 if
12 committed by an adult;
- 13 (4) Incest as set forth in § 22-22-19.1 if committed by an adult;



- 1 (5) Possessing, manufacturing, or distributing child pornography as set forth in
- 2 § 22-22-24.2;
- 3 (6) Sale of child pornography as set forth in § 22-22-24;
- 4 (7) Sexual exploitation of a minor as set forth in § 22-22-24.3;
- 5 (8) Kidnapping, as set forth in § 22-19-1, if the victim of the criminal act is a minor;
- 6 (9) Promotion of prostitution of a minor as set forth in subdivision 22-23-2 (2);
- 7 (10) Criminal pedophilia as set forth in § 22-22-30.1;
- 8 (11) Felony indecent exposure as set forth in former § 22-24-1 or indecent exposure as set
- 9 forth in § 22-24-1.2;
- 10 (12) Solicitation of a minor as set forth in § 22-22-24.5;
- 11 (13) Felony aggravated indecent exposure as set forth in § 22-24-1.3;
- 12 (14) Bestiality as set forth in § 22-22-42;
- 13 ~~(14)~~ An attempt to commit any of the crimes listed in this section;
- 14 ~~(15)~~ Any crime committed in a place other than this state which would constitute
- 15 a sex crime under this section if committed in this state;
- 16 ~~(16)~~ Any federal crime or court martial that would constitute a sex crime under
- 17 federal law; or
- 18 ~~(17)~~ Any crime committed in another state if that state also requires that anyone
- 19 convicted of that crime register as a sex offender in that state.