

# State of South Dakota

SEVENTY-NINTH SESSION  
LEGISLATIVE ASSEMBLY, 2004

358J0310

## HOUSE BILL NO. 1108

Introduced by: Representatives Rounds, Bartling, Begalka, Cutler, Gillespie, Hennies, Madsen, McCaulley, Murschel, Novstrup, Olson (Ryan), Rhoden, and Schafer and Senators de Hueck, Abdallah, and Kleven

1 FOR AN ACT ENTITLED, An Act to revise the definition of unlawful sexual contact.

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

3 Section 1. That § 22-22-7.1 be amended to read as follows:

4 22-22-7.1. As used in this chapter, the term, sexual contact, means any touching, not  
5 amounting to rape, whether or not through clothing or other covering, of the breasts of a female  
6 or the genitalia or anus of any person with the intent to arouse or gratify the sexual desire of  
7 either party. Practitioners of the healing arts lawfully practicing within the scope of their  
8 practice, which determination shall be conclusive as against the state and shall be made by the  
9 court prior to trial, are not included within the provisions of this section. In any pretrial  
10 proceeding under this section, the prosecution has the burden of establishing probable cause.

