

# State of South Dakota

SEVENTY-NINTH SESSION  
LEGISLATIVE ASSEMBLY, 2004

427J0472

SENATE JUDICIARY COMMITTEE ENGROSSED NO.

**HB 1176** - 02/13/2004

Introduced by: Representatives Madsen, Gillespie, McCaulley, Michels, and Weems and  
Senators Albers and Schoenbeck

1 FOR AN ACT ENTITLED, An Act to revise the definition of criminal pedophilia.

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

3 Section 1. That § 22-22-30.1 be amended to read as follows:

4 22-22-30.1. Criminal pedophilia is any act of sexual penetration accomplished with a victim  
5 less than thirteen years of age by any person twenty-six years of age or older ~~under any~~  
6 ~~circumstances not constituting incest as defined in subdivision 22-22-1(6)~~. Criminal pedophilia  
7 is a Class 1 felony. If any person is convicted of criminal pedophilia, the court shall impose a  
8 minimum sentence of twenty-five years for a first offense. If any person is convicted for a  
9 second offense, the factual basis for which occurred after the date of the first conviction, the  
10 court shall impose a sentence of life without parole.

