

State of South Dakota

EIGHTY-FIRST SESSION
LEGISLATIVE ASSEMBLY, 2006

337M0059

HOUSE ENGROSSED NO. **HB 1180** - 02/10/2006

Introduced by: Representatives O'Brien, Cutler, Garnos, Haley, Hunhoff, Jensen, Murschel, Nelson, Roberts, and Tidemann and Senators Duenwald, Abdallah, Dempster, Hansen (Tom), Knudson, Olson (Ed), Smidt, and Sutton (Duane)

1 FOR AN ACT ENTITLED, An Act to prohibit certain acts of child abuse and endangerment
2 and to provide penalties therefor.

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

4 Section 1. That chapter 26-10 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 It is a Class 6 felony for any parent, guardian, or custodian to knowingly permit physical or
7 sexual abuse of a child.

8 It is an affirmative defense, to be proven by clear and convincing evidence, to prosecution
9 under this section if, at the time of the offense, there was a reasonable belief that acting to stop
10 or to prevent the abuse would result in substantial bodily harm to the defendant or the child in
11 retaliation.

12 Section 2. That chapter 26-10 be amended by adding thereto a NEW SECTION to read as
13 follows:

14 It is a Class 1 misdemeanor for any person to knowingly cause a child to be present where
15 any person is using, distributing, or manufacturing methamphetamines.

