

State of South Dakota

EIGHTY-FIRST SESSION
LEGISLATIVE ASSEMBLY, 2006

337M0059

HOUSE JUDICIARY COMMITTEE ENGROSSED NO.

HB 1180 - 02/08/2006

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 neglect, abuse, and
2 endangerment 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 1 misdemeanor for any parent, guardian, or custodian as defined in § 26-7A-1
7 to willfully deprive a child of necessary food, clothing, shelter, medical care, or supervision
8 appropriate to the child's age, if the parent or guardian is reasonably able to make the provision
9 and if the deprivation harms or endangers the child. However, if the deprivation results in
10 serious bodily injury or substantial harm to the child's mental health, the violation is a Class 6
11 felony.

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 6 felony for any parent, guardian, or custodian to knowingly permit physical or



1 sexual abuse of a child.

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

6 Section 3. That chapter 26-10 be amended by adding thereto a NEW SECTION to read as
7 follows:

8 It is a Class 1 misdemeanor for any parent, guardian, or custodian to knowingly cause a child
9 to be present where any person is using, distributing, or manufacturing methamphetamines.