

State of South Dakota

EIGHTY-FIRST SESSION
LEGISLATIVE ASSEMBLY, 2006

337M0059

HOUSE BILL NO. 1180

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 deprivation harms or endangers the child. However, if the
9 deprivation results in serious bodily injury or substantial harm to the child's mental health, the
10 violation is a Class 6 felony.

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

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

15 It is an affirmative defense, to be proven by clear and convincing evidence, to prosecution



1 under this section if, at the time of the offense, there was a reasonable belief that acting to stop
2 or to prevent the abuse would result in substantial bodily harm to the defendant or the child in
3 retaliation.

4 Section 3. 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 to knowingly cause a child
7 to be present where any person is using, distributing, or manufacturing methamphetamines.