

State of South Dakota

EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007

538N0644

SENATE BILL NO. 106

Introduced by: Senators Napoli and Abdallah and Representatives Van Etten and Howie

1 FOR AN ACT ENTITLED, An Act to require certain family members to report sexual abuse
2 to law enforcement authorities, to grant civil immunity for any good faith report, and to
3 provide a penalty for failure to report.

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

5 Section 1. Whenever any person, who is within the third degree of kinship to a child under
6 the age of eighteen, has reasonable cause to suspect that the child is subject to sexual abuse,
7 sexual molestation, or sexual exploitation by the child's parent, guardian, custodian, or any other
8 person responsible for the child's care, as provided in subdivision 26-8A-2(8), that person shall
9 report that information to the state's attorney or other law enforcement officer in the county
10 where the child resides. Any person who intentionally fails to comply with the provisions of this
11 section is guilty of a Class 1 misdemeanor.

12 Section 2. Any person who, in good faith, makes a report pursuant to section 1 of this Act
13 is immune from civil liability, that might otherwise be incurred or imposed, and has the same
14 immunity for participation in any judicial proceeding resulting from the report.

