

AN ACT

ENTITLED, An Act to revise the crime of aggravated incest.

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

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

22-22A-3. Any person who knowingly engages in an act of sexual penetration with a person who is less than eighteen years of age and is either:

- (1) The child of the perpetrator or the child of a spouse or former spouse of the perpetrator;
or
- (2) Related to the perpetrator within degrees of consanguinity within which marriages are, by the laws of this state, declared void pursuant to § 25-1-6;

is guilty of aggravated incest. Aggravated incest is a Class 3 felony.

Section 2. That chapter 22-22A be amended by adding thereto a NEW SECTION to read as follows:

Any person eighteen years of age or older, who knowingly engages in an act of sexual penetration with a person who is less than eighteen years of age and who, at the time of the offense, has been placed, and resides, in a licensed foster home is guilty of aggravated incest if the perpetrator is:

- (1) The licensed foster care provider; or
- (2) A resident of the licensed foster care provider's home and related to the licensed foster care provider by blood or marriage.

Aggravated incest is a Class 3 felony.

An Act to revise the crime of aggravated incest.

I certify that the attached Act
originated in the

HOUSE as Bill No. 1064

Chief Clerk

Speaker of the House

Attest:

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1064

File No. _____

Chapter No. _____

Received at this Executive Office
this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor

The attached Act is hereby
approved this _____ day of
_____, A.D., 20____

Governor

STATE OF SOUTH DAKOTA,
ss.
Office of the Secretary of State

Filed _____, 20____
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State