

# State of South Dakota

EIGHTY-THIRD SESSION  
LEGISLATIVE ASSEMBLY, 2008

472P0186

## HOUSE JUDICIARY ENGROSSED NO. **HB 1238** 1/30/2008

**This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.**

Introduced by: Representatives Gillespie, Burg, Cutler, Deadrick, Dennert, Dykstra, Elliott, Engels, Feinstein, Gassman, Glenski, Halverson, Hargens, Krebs, Lucas, Miles, Nygaard, Peters, Rhoden, Sigdestad, Street, and Thompson and Senators Hanson (Gary), Abdallah, Albers, Apa, Heidepriem, and Olson (Ed)

1 FOR AN ACT ENTITLED, An Act to revise the limitation period for commencing child abuse  
2 prosecutions.

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

4 Section 1. That § 26-10-1 be amended to read as follows:

5 26-10-1. Any person who abuses, exposes, tortures, torments, or cruelly punishes a minor  
6 in a manner which does not constitute aggravated assault, is guilty of a Class 4 felony. If the  
7 victim is less than seven years of age, the person is guilty of a Class 3 felony. The use of  
8 reasonable force, as provided in § 22-18-5, is a defense to an offense under this section.  
9 Notwithstanding § 23A-42-2, a charge brought pursuant to this section may be commenced at  
10 any time before the victim becomes age twenty-five.

11 If any person convicted of this offense is the minor's parent, guardian, or custodian, the court  
12 shall include as part of the sentence, or conditions required as part of suspended execution or  
13 imposition of such sentence, that the person receive instruction on parenting approved or



1 provided by the Department of Social Services.