

AN ACT

ENTITLED, An Act to revise the elements of the crime of indecent exposure involving a child, to revise the elements of the crime of indecent exposure, and to establish the crime of private indecent exposure.

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

Section 1. That § 22-24-1.3 be amended to read as follows:

22-24-1.3. If any person, eighteen years of age or older, with the intent to arouse or gratify the sexual desire of any person, intentionally exposes his or her genitals to a child, thirteen years of age or younger, that person is guilty of the crime of indecent exposure involving a child. Indecent exposure involving a child is a Class 6 felony. A second or subsequent conviction for indecent exposure involving a child is a Class 5 felony.

Section 2. That § 22-24-1.2 be amended to read as follows:

22-24-1.2. A person commits the crime of indecent exposure if, with the intent to arouse or gratify the sexual desire of any person, the person exposes his or her genitals in a public place, or in the view of a public place, under circumstances in which that person knows that person's conduct is likely to annoy, offend, or alarm another person. A violation of this section is a Class 1 misdemeanor. However, if such person has been previously convicted of a felony violation of § 22-22-1, 22-22-7, or 22-24A-3, that person is guilty of a Class 6 felony. Any person convicted of a third or subsequent violation of this section is guilty of a Class 6 felony.

Section 3. That chapter 22-24 be amended by adding thereto a NEW SECTION to read as follows:

A person commits the crime of private indecent exposure if:

- (1) The person exposes the genitals of the person with the intent to arouse or gratify the sexual desire of the person or another person;

- (2) The person is in a place where another person has a reasonable expectation of privacy;
- (3) The person is in view of the other person;
- (4) The exposure reasonably would be expected to annoy, offend, or alarm the other person;
and
- (5) The person knows that the other person did not consent to the exposure.

Private indecent exposure is a Class 1 misdemeanor.

This section does not apply to a person who commits the act described in this section if the person cohabits with or is involved in a sexually intimate relationship with the other person.

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I certify that the attached Act originated in the

HOUSE as Bill No. 1153

Chief Clerk

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Speaker of the House

Attest:

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1153
File No. _____
Chapter No. _____

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Received at this Executive Office this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor

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

Governor

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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