

# State of South Dakota

EIGHTY-FOURTH SESSION  
LEGISLATIVE ASSEMBLY, 2009

763Q0284

## SENATE BILL NO. 71

Introduced by: Senators Jerstad, Abdallah, Gant, Hundstad, Merchant, Nelson, Peterson, and Tieszen and Representatives Elliott, Blake, Burg, Dennert, Lederman, Lucas, Olson (Betty), Sly, and Vanderlinde

1 FOR AN ACT ENTITLED, An Act to broaden the application of the public indecency and  
2 indecent exposure statutes.

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

4 Section 1. That chapter 22-24 be amended by adding thereto a NEW SECTION to read as  
5 follows:

6 It is not a defense to the crimes of public indecency as defined in § 22-24-1.1 or indecent  
7 exposure as defined in § 22-24-1.2 that the place where the act of exposure occurs is a private  
8 place rather than a public place if:

- 9 (1) The perpetrator and the victim have no interpersonal relationship;
- 10 (2) The perpetrator has no right to be in the private place where the act of exposure  
11 occurs other than the permission, invitation, acquiescence, or sufferance of the  
12 property owner or the property owner's agent;
- 13 (3) The perpetrator and the property owner or property owner's agent have no  
14 interpersonal relationship; and



1       (4)    The perpetrator and the victim are not related, by blood, marriage, or adoption, within  
2            the fourth degree of kinship.

3        For the purposes of this section, the term, interpersonal relationship, does not extend to any  
4 casual relationship arising primarily out of any business, professional, commercial, service, or  
5 similar social interaction.