

# State of South Dakota

EIGHTY-SEVENTH SESSION  
LEGISLATIVE ASSEMBLY, 2012

292T0732

## SENATE BILL NO. 146

Introduced by: Senators Cutler, Krebs, and Peters and Representatives Moser, Blake, Elliott, Gibson, Gosch, Hickey, Kirkeby, Lucas, Magstadt, Rozum, Sigdestad, and Street

1 FOR AN ACT ENTITLED, An Act to provide for an affirmative defense of compulsion for the  
2 crime of prostitution.

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

4 Section 1. That chapter 22-23 be amended by adding thereto a NEW SECTION to read as  
5 follows:

6 It is an affirmative defense to a charge of prostitution under § 22-23-1 if the defendant  
7 proves by a preponderance of the evidence that the defendant is a victim of human trafficking  
8 under chapter 22-49 or that the defendant committed the act only under compulsion by another  
9 person who, by implicit or explicit threat, created a reasonable apprehension in the mind of the  
10 defendant that if the defendant did not commit the act, the person would inflict bodily harm  
11 upon the defendant.

