

State of South Dakota

SEVENTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 1997

400A0662 **HOUSE JUDICIARY COMMITTEE ENGROSSED NO.**
HB1259 - 2/11/97

Introduced by: The Committee on Judiciary at the request of the Department of Corrections

1 FOR AN ACT ENTITLED, An Act to provide certain provisions regarding inmate assault
2 against Department of Corrections employees.

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

4 Section 1. That chapter 22-18 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 Any convicted person under the jurisdiction of the Department of Corrections who throws,
7 smears, or otherwise causes body fluids, excrement, or human waste to come in contact with a
8 Department of Corrections employee, or visitor, or volunteer authorized by the Department of
9 Corrections, or person under contract assigned to the Department of Corrections is guilty of a
10 Class 6 felony.

11 Section 2. That chapter 22-18 be amended by adding thereto a NEW SECTION to read as
12 follows:

13 A penitentiary sentence arising from a conviction pursuant to section 1 of this Act may not
14 commence until the expiration, with no allowance of good time, of the last sentence of
15 imprisonment, pursuant to § 23A-27-36.

1 Section 3. That chapter 22-18 be amended by adding thereto a NEW SECTION to read as
2 follows:

3 An inmate sentenced pursuant to section 1 of this Act shall serve the entire term of the
4 sentence and is not eligible for parole release as authorized under chapter 24-15A.

5 Section 4. That § 22-18-1.1 be amended to read as follows:

6 22-18-1.1. Any person who:

7 (1) Attempts to cause serious bodily injury to another, or causes such injury, under
8 circumstances manifesting extreme indifference to the value of human life;

9 (2) Attempts to cause, or knowingly causes, bodily injury to another with a dangerous
10 weapon;

11 (3) Attempts to cause or knowingly causes any bodily injury to a law enforcement officer
12 or other public officer engaged in the performance of ~~his~~ the officer's duties;

13 (4) Assaults another with intent to commit bodily injury which results in serious bodily
14 injury; ~~or~~

15 (5) Attempts by physical menace with a deadly weapon to put another in fear of imminent
16 serious bodily harm; or

17 (6) Is a convicted person under the jurisdiction of the Department of Corrections and
18 attempts to cause, or knowingly causes bodily injury to a Department of Corrections
19 employee, or authorized visitor, volunteer, or person under contract assigned to the
20 Department of Corrections;

21 is guilty of aggravated assault. Aggravated assault is a Class 3 felony.

1 **BILL HISTORY**

2 2/3/97 First read in House and referred to Judiciary. H.J. 266

3 2/10/97 Scheduled for Committee hearing on this date.

4 2/10/97 Judiciary Do Pass Amended, AYES 11, NAYS 2. H.J. 399