

State of South Dakota

SEVENTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2003

556I0285

SENATE ENGROSSED NO. **HB 1061** - 02/05/2003

Introduced by: Representatives Hennies, Madsen, and McCaulley and Senators Vitter, Abdallah, Albers, Duniphan, Reedy, and Sutton (Dan)

1 FOR AN ACT ENTITLED, An Act to provide for the crime of bestiality and to prescribe certain
2 penalties therefor.

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

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

6 No person, for the purpose of that person's sexual gratification, may:

- 7 (1) Engage in a sexual act with an animal; or
8 (2) Coerce any other person to engage in a sexual act with an animal; or
9 (3) Use any part of the person's body or an object to sexually stimulate an animal; or
10 (4) Videotape a person engaging in a sexual act with an animal; or
11 (5) Kill or physically abuse an animal.

12 Any person who violates any provision of this section is guilty of the crime of bestiality.

13 Bestiality is a Class 6 felony. However, if any person has been previously convicted of a sex
14 crime pursuant to § 22-22-30, any subsequent violation of this section is a Class 5 felony.

15 Section 2. That chapter 22-22 be amended by adding thereto a NEW SECTION to read as



1 follows:

2 For the purposes of section 1 of this Act, the term, sexual act with an animal, means any act
3 between a person and an animal involving direct physical contact between the genitals of one and
4 the mouth or anus of the other, or direct physical contact between the genitals of one and the
5 genitals of the other. A sexual act with an animal may be proved without evidence of penetration.

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

8 The provisions of section 1 of this Act do not apply to or prohibit normal, ordinary, or
9 accepted practices involved in animal husbandry, artificial insemination, or veterinary medicine.

10 Section 4. That § 22-22-30 be amended to read as follows:

11 22-22-30. For the purposes of §§ 22-22-31 to 22-22-39, inclusive, a sex crime is any of the
12 following crimes regardless of the date of the commission of the offense or the date of
13 conviction:

- 14 (1) Rape as set forth in § 22-22-1;
- 15 (2) Sexual contact with a minor under sixteen as set forth in § 22-22-7 if committed by
16 an adult and the adult is convicted of a felony;
- 17 (3) Sexual contact with a person incapable of consenting as set forth in § 22-22-7.2 if
18 committed by an adult;
- 19 (4) Incest as set forth in § 22-22-19.1 if committed by an adult;
- 20 (5) Possessing, manufacturing, or distributing child pornography as set forth in
21 § 22-22-24.2;
- 22 (6) Sale of child pornography as set forth in § 22-22-24;
- 23 (7) Sexual exploitation of a minor as set forth in § 22-22-24.3;
- 24 (8) Kidnapping, as set forth in § 22-19-1, if the victim of the criminal act is a minor;

- 1 (9) Promotion of prostitution of a minor as set forth in subdivision 22-23-2 (2);
- 2 (10) Criminal pedophilia as set forth in § 22-22-30.1;
- 3 (11) Felony indecent exposure as set forth in former § 22-24-1 or indecent exposure as set
- 4 forth in § 22-24-1.2;
- 5 (12) Solicitation of a minor as set forth in § 22-22-24.5;
- 6 (13) Bestiality as set forth in section 1 of this Act;
- 7 (14) An attempt to commit any of the crimes listed in this section;
- 8 ~~(14)~~(15) Any crime committed in a place other than this state which would constitute
- 9 a sex crime under this section if committed in this state;
- 10 ~~(15)~~(16) Any federal crime or court martial that would constitute a sex crime under
- 11 federal law; or
- 12 ~~(16)~~(17) Any crime committed in another state if that state also requires that anyone
- 13 convicted of that crime register as a sex offender in that state.