FOR AN ACT ENTITLED, An Act to establish child neglect and endangerment as criminal
offenses and to provide penalties therefor.

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

Section 1. It is a Class 1 misdemeanor for any parent, guardian, or custodian to willfully
deprive a child of necessary food, clothing, shelter, health care, or supervision appropriate to
the child's age, if the parent, guardian, or custodian is reasonably able to make the necessary
provisions and the deprivation harms or is likely to substantially harm the child's physical,
mental, or emotional health. However, if the deprivation results in substantial harm to the child's
physical, mental, or emotional health, the violation is a Class 6 felony.

Section 2. It is a Class 1 misdemeanor for any parent, guardian, or custodian to knowingly
permit any continuing physical or sexual abuse of a child.

Section 3. It is a Class 1 misdemeanor for any parent, guardian, or custodian to:

(1) Intentionally or recklessly cause or permit a child to be placed in a situation likely to
substantially harm the child's physical, mental, or emotional health or cause the
child's death; or
(2) Knowingly cause or permit a child to be present where any person is committing a 
crime punishable as a felony pursuant to chapter 22-42 concerning the distribution, 
manufacture, or possession of any controlled drug or substance.

However, if the endangerment results in substantial harm to the child's physical, mental, or 
emotional health, the violation is a Class 6 felony.

Section 4. It is a defense to prosecution under this Act if, at the time of the offense, there 
was a reasonable apprehension in the mind of the defendant that acting to stop or to prevent the 
offense would result in substantial bodily harm to the defendant or the child in retaliation.

Section 5. The code counsel shall codify this Act in a newly created chapter in Title 22 
entitled "Offenses Against the Family."