

State of South Dakota

EIGHTY-FIRST SESSION
LEGISLATIVE ASSEMBLY, 2006

337M0059

SENATE JUDICIARY COMMITTEE ENGROSSED NO.

HB 1180 - 02/17/2006

Introduced by: Representatives O'Brien, Cutler, Garnos, Haley, Hunhoff, Jensen, Murschel, Nelson, Roberts, and Tidemann and Senators Duenwald, Abdallah, Dempster, Hansen (Tom), Knudson, Olson (Ed), Smidt, and Sutton (Duane)

1 FOR AN ACT ENTITLED, An Act to prohibit certain acts of child abuse and endangerment
2 and to provide penalties therefor.

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

4 Section 1. That chapter 26-10 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 It is a Class 1 misdemeanor for any parent, guardian, or custodian as defined in § 26-7A-1
7 to willfully deprive a child of necessary food, clothing, shelter, medical care, or supervision
8 appropriate to the child's age, if the parent or guardian is reasonably able to make the necessary
9 provision and if the deprivation harms or endangers the child. However, if the deprivation
10 results in serious bodily injury the violation is a Class 6 felony.

11 Section 2. That chapter 26-10 be amended by adding thereto a NEW SECTION to read as
12 follows:

13 It is a Class 6 felony for any parent, guardian, or custodian to knowingly permit physical or
14 sexual abuse of a child.



1 It is an affirmative defense, to be proven by clear and convincing evidence, to prosecution
2 under this section if, at the time of the offense, there was a reasonable belief that acting to stop
3 or to prevent the abuse would result in substantial bodily harm to the defendant or the child in
4 retaliation.

5 Section 3. That chapter 26-10 be amended by adding thereto a NEW SECTION to read as
6 follows:

7 It is a Class 1 misdemeanor for any person to knowingly cause a child to be present where
8 any person is using, distributing, or manufacturing methamphetamines.