



## 2021 South Dakota Legislature

**House Bill 1096**

HOUSE JUDICIARY ENGROSSED

Introduced by: **Representative Reed**

1 **An Act to provide a penalty for sexual contact with a minor by a person holding a**  
 2 **position of authority.**

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

4 **Section 1.** That a NEW SECTION be added:

5 **22-22-7.8. Sexual contact with child under eighteen--Position of authority--**  
 6 **Penalty.**

7 A person is guilty of a Class 4 felony if the person:

8 (1) (a) Is at least eighteen years of age; and

9 (b) Is at least five years older than the victim;

10 (2) Is in a position of authority, as defined in this section; and

11 (3) Knowingly engages in sexual contact with another who is:

12 (a) Less than eighteen years of age; and

13 (b) Not the person's spouse.

14 For purposes of this section, a person is in a position of authority if the person, at  
 15 the time of the sexual contact, or within the one-hundred-twenty-day period immediately  
 16 preceding the sexual contact, interacts, no matter how briefly, with the victim as a coach,  
 17 child care provider, disability services provider, employer, guardian ad litem, health care  
 18 provider, law enforcement officer, mental health counselor, probation officer, religious  
 19 leader, school administrator, social worker, teacher, therapist, or youth leader, or while  
 20 holding any similar position involving the victim's supervision or trust.

21 Notwithstanding § 23A-42-2, a charge pursuant to this section may be brought at  
 22 any time before the victim reaches the age of twenty-five or within seven years from the  
 23 commission of the crime, whichever is longer.