

# State of South Dakota

NINETIETH SESSION  
LEGISLATIVE ASSEMBLY, 2015

742W0264

## HOUSE BILL NO. **1141**

Introduced by: Representatives Gibson, Hawks, and Kaiser and Senators Buhl O'Donnell, Bradford, Heinert, Hunhoff (Bernie), and Sutton

1 FOR AN ACT ENTITLED, An Act to revise and increase the penalty for multiple simple  
2 assaults over a ten-year period.

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

4 Section 1. That § 22-18-1 be amended to read as follows:

5 22-18-1. Any person who:

6 (1) Attempts to cause bodily injury to another and has the actual ability to cause the  
7 injury;

8 (2) Recklessly causes bodily injury to another;

9 (3) Negligently causes bodily injury to another with a dangerous weapon;

10 (4) Attempts by physical menace or credible threat to put another in fear of imminent  
11 bodily harm, with or without the actual ability to harm the other person; or

12 (5) Intentionally causes bodily injury to another which does not result in serious bodily  
13 injury;

14 is guilty of simple assault. Simple assault is a Class 1 misdemeanor. However, if the defendant

15 has been convicted of, or entered a plea of guilty to, two ~~or more~~ prior violations of § 22-18-1,



1 22-18-1.1, 22-18-26, or 22-18-29 within ten years of committing the current offense, the  
2 defendant is guilty of a Class 6 felony for any third ~~or subsequent~~ offense. If the defendant has  
3 been convicted of, or entered a plea of guilty to, three prior violations of § 22-18-1, 22-18-1.1,  
4 22-18-26, or 22-18-29 within ten years of committing the current offense, the defendant is guilty  
5 of a Class 5 felony for any fourth offense. If the defendant has been convicted of, or entered a  
6 plea of guilty to, four or more prior violations of § 22-18-1, 22-18-1.1, 22-18-26, or 22-18-29  
7 within ten years of committing the current offense, the defendant is guilty of a Class 4 felony  
8 for any subsequent offense.