

# State of South Dakota

NINETIETH SESSION  
LEGISLATIVE ASSEMBLY, 2015

742W0591

## HOUSE BILL NO. 1212

Introduced by: Representatives Haugaard, Bolin, Brunner, DiSanto, Feickert, Haggar (Don), Hunt, Kaiser, Klumb, Langer, Latterell, and Novstrup (Al) and Senators Haggar (Jenna), Brown, Greenfield (Brock), Holien, Lederman, Novstrup (David), Rave, and Solano

1 FOR AN ACT ENTITLED, An Act to criminalize abuse of an unborn child.

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

3 Section 1. That § 26-10-1 be amended to read as follows:

4 26-10-1. Any person who abuses, exposes, tortures, torments, or cruelly punishes a minor  
5 in a manner which does not constitute aggravated assault, is guilty of a Class 4 felony. If the  
6 victim is less than seven years of age, the person is guilty of a Class 3 felony. The use of  
7 reasonable force, as provided in § 22-18-5, is a defense to an offense under this section.  
8 Notwithstanding § 23A-42-2, a charge brought pursuant to this section may be commenced at  
9 any time before the victim becomes age twenty-five. For purposes of this section, a child  
10 conceived, but not born, is deemed a minor.

11 If any person convicted of this offense is the minor's parent, guardian, or custodian, the court  
12 shall include as part of the sentence, or conditions required as part of suspended execution or  
13 imposition of such sentence, that the person receive instruction on parenting approved or  
14 provided by the Department of Social Services.

