

# State of South Dakota

EIGHTY-SEVENTH SESSION  
LEGISLATIVE ASSEMBLY, 2012

295T0741

## SENATE BILL NO. 156

Introduced by: Senators Tieszen, Cutler, Holien, and Rave and Representatives Lust, Cronin, Gibson, Hoffman, Moser, Sly, Turbiville, and Wick

1 FOR AN ACT ENTITLED, An Act to establish strangulation as one element of the crime of  
2 aggravated assault.

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

4 Section 1. That § 22-18-1.1 be amended to read as follows:

5 22-18-1.1. Any person who:

- 6 (1) Attempts to cause serious bodily injury to another, or causes such injury, under  
7 circumstances manifesting extreme indifference to the value of human life;
- 8 (2) Attempts to cause, or knowingly causes, bodily injury to another with a dangerous  
9 weapon;
- 10 (3) Deleted by SL 2005, ch 120, § 2;
- 11 (4) Assaults another with intent to commit bodily injury which results in serious bodily  
12 injury;
- 13 (5) Attempts by physical menace with a deadly weapon to put another in fear of  
14 imminent serious bodily harm; or
- 15 (6) Deleted by SL 2005, ch 120, § 2;



1       (7)   Intentionally or recklessly causes serious bodily injury to an infant, less than three  
2           years old, by causing any intracranial or intraocular bleeding, or swelling of or  
3           damage to the brain, whether caused by blows, shaking, or causing the infant's head  
4           to impact with an object or surface;

5       (8)   Attempts by strangulation to induce a fear of death or of imminent serious bodily  
6           harm or causes the victim to suffer asphyxia to whatever degree;

7   is guilty of aggravated assault. Aggravated assault is a Class 3 felony. However, a violation of  
8   subdivision (7) is a Class 2 felony. A second or subsequent violation of subdivision (7) is a  
9   Class 1 felony.