



2021 South Dakota Legislature

House Bill 1080

HOUSE JUDICIARY ENGROSSED

Introduced by: **Representative Reed**

1 **An Act to increase the enhanced penalty for the crime of simple assault.**

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

3 **Section 1.** That § 22-18-1 be AMENDED.

4 **22-18-1. Simple assault--Violation as misdemeanor--Third or subsequent**
 5 **offense a felony.**

6 A person is guilty of simple assault, a Class 1 misdemeanor, if the person:

- 7 (1) Attempts to cause bodily injury to another and has the actual ability to cause the
 8 injury;
- 9 (2) Recklessly causes bodily injury to another;
- 10 (3) Negligently causes bodily injury to another with a dangerous weapon;
- 11 (4) Attempts by physical menace or credible threat to put another in fear of imminent
 12 bodily harm, with or without the actual ability to harm the other person; or
- 13 (5) Intentionally causes bodily injury to another which does not result in serious bodily
 14 injury.

15 If the defendant has been convicted of, or entered a plea of guilty to, two or more
 16 violations of simple assault under this section or under the comparable law of any other
 17 state, simple assault or aggravated assault under § 22-18-1.05 or under the comparable
 18 law of any other state, aggravated assault under § 22-18-1.1 or under the comparable
 19 law of any other state, assault under § 22-18-26 or under the comparable law of any other
 20 state, intentional contact with bodily fluids under § 22-18-26.1 or under the comparable
 21 law of any other state, or assault under § 22-18-29 or under the comparable law of any
 22 other state, within ten years of committing the current offense, the defendant is guilty of
 23 a Class 6 felony for any third offense, a Class 5 felony for a fourth offense, and a Class 4
 24 felony for a fifth or subsequent offense.