

State of South Dakota

EIGHTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2012

637T0119

SENATE BILL NO. 68

Introduced by: Senators Johnston, Buhl, and Cutler and Representatives Haggar, Abdallah, Deelstra, Hickey, Kopp, Magstadt, and Turbiville

1 FOR AN ACT ENTITLED, An Act to provide that no statute of limitations applies to certain
2 rape offenses.

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

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

5 22-22-1. Rape is an act of sexual penetration accomplished with any person under any of
6 the following circumstances:

- 7 (1) If the victim is less than thirteen years of age; or
- 8 (2) Through the use of force, coercion, or threats of immediate and great bodily harm
9 against the victim or other persons within the victim's presence, accompanied by
10 apparent power of execution; or
- 11 (3) If the victim is incapable, because of physical or mental incapacity, of giving consent
12 to such act; or
- 13 (4) If the victim is incapable of giving consent because of any intoxicating, narcotic, or
14 anesthetic agent or hypnosis; or
- 15 (5) If the victim is thirteen years of age, but less than sixteen years of age, and the



1 perpetrator is at least three years older than the victim.

2 A violation of subdivision (1) of this section is rape in the first degree, which is a Class C
3 felony. A violation of subdivision (2) of this section is rape in the second degree which is a
4 Class 1 felony. A violation of subdivision (3) or (4) of this section is rape in the third degree,
5 which is a Class 2 felony. A violation of subdivision (5) of this section is rape in the fourth
6 degree, which is a Class 3 felony. Notwithstanding the provisions of § 23A-42-2-a, no statute
7 of limitations applies to any charge brought pursuant to this section ~~may be commenced at any~~
8 ~~time prior to the time the victim becomes age twenty-five or within seven years of the~~
9 ~~commission of the crime, whichever is longer.~~