



2024 South Dakota Legislature

Senate Bill 97

Introduced by: **Senator Reed**

1 **An Act to establish the admissibility of evidence of similar crimes in sexual assault**
 2 **cases.**

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

4 **Section 1. That chapter 19-19 be amended with a NEW SECTION:**

5 **(a) Permitted uses.** In a criminal case in which a defendant is accused of sexual
 6 assault, the court may admit evidence that the defendant committed any other sexual
 7 assault. The evidence may be considered on any matter to which it is relevant.

8 **(b) Disclosure to the defendant.** If the prosecutor intends to offer this evidence,
 9 the prosecutor must disclose it to the defendant, including witnesses' statements or a
 10 summary of the expected testimony. The prosecutor must do so at least fifteen days
 11 before trial or at a later time that the court allows for good cause.

12 **(c) Effect on other rules.** This rule does not limit the admission or consideration
 13 of evidence under any other rule.

14 **(d) Definition of sexual assault.** In this section, "sexual assault" means a crime
 15 under federal law or state law involving:

- 16 (1) Any conduct prohibited by chapter 22-22;
 17 (2) Contact, without consent, between any part of the defendant's body or an object
 18 and another person's genitals or anus;
 19 (3) Contact, without consent, between the defendant's genitals or anus and any part
 20 of another person's body;
 21 (4) Deriving sexual pleasure or gratification from inflicting death, bodily injury, or
 22 physical pain on another person; or
 23 (5) An attempt or conspiracy to engage in conduct described in subdivisions (1)
 24 through (4).