



2024 South Dakota Legislature

Senate Bill 98

Introduced by: **Senator Reed**

1 **An Act to establish the admissibility of evidence of similar crimes in child**
 2 **molestation 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 child
 6 molestation, the court may admit evidence that the defendant committed any other child
 7 molestation. 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 child and child molestation.** As used in this section:

15 (1) "Child" means a person below the age of eighteen; and

16 (2) "Child molestation" means a crime under federal law or state law involving:

17 (a) Any conduct prohibited by chapter 22-22 and committed with a child;

18 (b) Contact between any part of the defendant's body or an object and a child's
 19 genitals or anus;

20 (c) Contact between the defendant's genitals or anus and any part of a child's
 21 body;

22 (d) Deriving sexual pleasure or gratification from inflicting death, bodily injury,
 23 or physical pain on a child; or

24 (e) An attempt or conspiracy to engage in conduct described in subsections (a)
 25 through (d).