



SOUTH DAKOTA

SEXUAL OFFENSE STATUTES	STATUTE OF LIMITATIONS	DNA EXCEPTION
<p>S.D. CODIFIED LAWS § 22-22-1 Rape Rape in the first degree, class C felony, if sexual penetration occurs with a victim under 13</p> <p>Rape in the second degree, class 1 felony, if sexual penetration occurs through the use of force, coercion, or threats of immediate and great bodily harm against victim or other persons within victim’s presence, accompanied by apparent power of execution</p> <p>Rape in the third degree, class 2 felony, if sexual penetration occurs and victim is incapable of giving consent to such act because of:</p> <ul style="list-style-type: none"> • Physical or mental incapacity, or • Any intoxicating, narcotic, or anesthetic agent or hypnosis <p>Rape in the fourth degree, class 3 felony, if sexual penetration occurs and victim is at least 13 but under 16, and offender is at least three years older than victim</p> <p>S.D. CODIFIED LAWS § 22-22-7 Sexual contact with person under 16 Class 1 misdemeanor if victim is under 16 and</p>	<p>S.D. CODIFIED LAWS § 23A-42-1 No limitation on certain felonies No limit for class A, class B, or class C felonies</p> <p>S.D. CODIFIED LAWS § 23A-42-2 Seven-year limitations period for other prosecutions For prosecutions of any other criminal offense, within seven years after commission of the offense</p> <p>S.D. CODIFIED LAWS § 22-22-1 Rape For any offense under this section, within seven years after commission of the offense or any time prior to the date victim reaches 25, whichever period is longer</p> <p>S.D. CODIFIED LAWS § 22-22-7 Sexual contact with a person under 16 For any offense under this section, within seven years after commission of the offense or any time prior to the date victim reaches 25, whichever period is longer</p>	

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<p>offender is less than three years older than victim Class 3 felony if victim is under 16 and offender is more than three years older than victim Class 2 felony if an offender over 18 has a previous conviction for a felony violation of this section</p> <p>S.D. CODIFIED LAWS § 22-22-7.2 Sexual contact with person incapable of consent Class 4 felony</p> <p>S.D. CODIFIED LAWS § 22-22-7.3 Sexual contact with person under 16 by person under 16 Class 1 misdemeanor</p> <p>S.D. CODIFIED LAWS § 22-22-7.4 Sexual contact without consent Class 1 misdemeanor—offender must be at least 15</p> <p>S.D. CODIFIED LAWS § 22-22-7.6 Sexual contact or penetration by correctional facility employee with inmate Class 6 felony</p> <p>S.D. CODIFIED LAWS § 22-22-28 Sexual contact with emotionally dependent patient by psychotherapist Class 5 felony</p>		
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S.D. CODIFIED LAWS § 22-22-29 Sexual penetration of emotionally dependent patient by psychotherapist Class 4 felony		
S.D. CODIFIED LAWS § 22-22A-2 Incest Class 5 felony		
S.D. CODIFIED LAWS § 22-22A-3 Aggravated incest Class 3 felony		
S.D. CODIFIED LAWS § 22-22A-4 Aggravated incest with a foster child Class 5 felony		

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