



2022 South Dakota Legislature

House Bill 1113

Introduced by: **Representative Randolph**

1 **An Act to prohibit threats made with the intent to coerce an abortion and to provide**
 2 **a penalty therefor.**

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

4 **Section 1. That § 22-17-13 be AMENDED:**

5 **22-17-13.** Any A person is guilty of a Class B felony if, with the intent to cause a
 6 pregnant mother to undergo an abortion against her will, the person who threatens:

7 (1) Threatens to commit, against the pregnant mother or any other person within the
 8 pregnant mother's presence:

9 ~~(1)(a)~~ Homicide, murder, or manslaughter, under chapter 22-16; ~~or~~

10 ~~(2)(b)~~ Aggravated assault, under § 22-18-1.1; or

11 ~~(3)(c)~~ Kidnapping, under chapter 22-19;

12 ~~against the pregnant mother or any other person within the pregnant mother's~~
 13 ~~presence with the intent to cause the pregnant mother to undergo an~~
 14 ~~abortion against her will that and~~

15 (2) The threat results in the death of the unborn human being, as defined under § 34-
 16 23A-1 is guilty of a Class B felony.

17 A charge brought under this section may be commenced at any time prior to the
 18 time the victim attains age twenty-five or within seven years of the commission of the
 19 crime, whichever is longer.

20 **Section 2. That chapter 22-17 be amended with a NEW SECTION:**

21 A person is guilty of a Class 5 felony if, with the intent to coerce a pregnant mother
 22 to undergo an abortion against her will, the person threatens to commit, against the
 23 pregnant mother or any other person within the pregnant mother's presence:

24 (1) Homicide, murder, or manslaughter, under chapter 22-16;

25 (2) Aggravated assault, under § 22-18-1.1; or

- 1 (3) Kidnapping, under chapter 22-19.
2 A charge brought under this section may be commenced at any time prior to the
3 time the victim attains age twenty-five or within seven years of the commission of the
4 crime, whichever is longer.

5 **Section 3. That § 22-17-14 be AMENDED:**

- 6 **22-17-14.** A person is guilty of a Class 1 misdemeanor if the person:
7 (1) ~~Coerces~~In any manner other than that set forth in section 2 of this Act, coerces,
8 compels, or attempts to compel a pregnant woman to undergo an abortion;
9 (2) Requires a pregnant woman to agree to a provision that if she refuses to undergo
10 an abortion, it is a breach of a contract; or
11 (3) Requires a pregnant woman to agree to a provision that results in her assuming
12 any cost, obligation, or responsibility for refusing to undergo an abortion.
13 A subsequent offense of this section is a Class 6 felony.