

2022 South Dakota Legislature

House Bill 1214**AMENDMENT 1214A FOR THE INTRODUCED BILL**

1 **An Act to prohibit forms of caller identification manipulation and to impose a penalty**
2 **therefor.**

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

4 **Section 1. That § 49-31-31 be AMENDED:**

5 **49-31-31.** It is a Class 1 misdemeanor for a person to use a telephone or other
6 electronic communication device for any of the following purposes:

7 (1) To contact another person with intent to terrorize, intimidate, threaten, harass, or
8 annoy such person by using obscene or lewd language or by suggesting a lewd or
9 lascivious act;

10 (2) To contact another person with intent to threaten to inflict physical harm or injury
11 to any person or property;

12 (3) To contact another person with intent to extort money or other things of value;

13 (4) To contact another person with intent to disturb that person by repeated
14 anonymous telephone calls or intentionally failing to replace the receiver or
15 disengage the telephone connection; or

16 (5) Except as allowed in section 2 of this Act, to contact or to attempt to contact
17 another person and, in so doing, ~~display or~~ cause to be displayed as caller
18 identification, a fictitious or misleading name or telephone number:

19 (a) To defraud, cause harm, or wrongfully obtain anything of value from
20 another person; or

21 (b) Of another person who has not granted the person the right to display that
22 other person's name or phone number, as applicable.

23 It is a Class 1 misdemeanor for a person to knowingly permit a telephone or other
24 electronic communication device under his or her control to be used for a purpose
25 prohibited by this section.

1 **Section 2. That chapter 49-31 be amended with a NEW SECTION:**

2 The provisions of subdivision 49-31-31(5) do not apply to:

3 (1) An authorized activity of a law enforcement agency;

4 (2) Any investigative, protective, or intelligence activity of a law enforcement agency
5 of the United States, this state or its political subdivisions, or another state or its
6 political subdivisions; or an intelligence agency of the United States;

7 (3) A protective services or domestic violence shelter or facility;

8 (4) A telecommunications company in ~~blocking~~:

9 (a) ~~Blocking~~ or restricting the name or phone number from being displayed by
10 caller identification equipment or devices; or

11 (b) ~~Displaying caller identification data sent to the company from the caller; or~~

12 (5) Any activity pursuant to a court order that specifically authorizes the use of caller
13 identification manipulation.