



2022 South Dakota Legislature

House Bill 1214

HOUSE STATE AFFAIRS ENGROSSED

Introduced by: **Representative** Gosch

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, cause to be displayed as caller identification, a
 18 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.

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

- 1 The provisions of subdivision 49-31-31(5) do not apply to:
- 2 (1) An authorized activity of a law enforcement agency;
- 3 (2) Any investigative, protective, or intelligence activity of a law enforcement agency
4 of the United States, this state or its political subdivisions, or another state or its
5 political subdivisions; or an intelligence agency of the United States;
- 6 (3) A protective services or domestic violence shelter or facility;
- 7 (4) A telecommunications company in:
- 8 (a) Blocking or restricting the name or phone number from being displayed by
9 caller identification equipment or devices; or
- 10 (b) Displaying caller identification data sent to the company from the caller; or
- 11 (5) Any activity pursuant to a court order that specifically authorizes the use of caller
12 identification manipulation.