



## 2023 South Dakota Legislature

# Senate Bill 48

*Introduced by: The Committee on Judiciary at the request of the Office of the Attorney General*

1 **An Act to enhance the penalty for attempted first degree murder of a law**  
 2 **enforcement officer.**

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

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

5 **22-4-1.** Unless specific provision is made by law, any person who attempts to  
 6 commit a crime and, in the attempt, does any act toward the commission of the crime,  
 7 but fails or is prevented or intercepted in the perpetration of that crime, is punishable  
 8 for such the attempt at a maximum sentence of one-half of the penalty prescribed for the  
 9 underlying crime. ~~However,~~ Unless specific provision is made by law, any person who  
 10 attempts to commit a Class A, Class B, or Class C felony is guilty of a Class 2 felony.

11 **Section 2. That chapter 22-4 be amended with a NEW SECTION:**

12 Notwithstanding § 22-4-1, attempted first degree murder, as defined by § 22-16-  
 13 4, if committed against a law enforcement officer while the officer was engaged in the  
 14 performance of the officer's duties, is a Class 1 felony.