

2024 South Dakota Legislature Senate Bill 77

Introduced by: Senator Reed

1An Act to revise and repeal provisions related to threatening law enforcement2officers and elected officials and to provide a penalty therefor.

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

4 Section 1. That chapter 22-11 be amended with a NEW SECTION:

- 5 <u>Any person who knowingly and intentionally communicates any verbal, written, or</u> 6 <u>electronic threat to take the life of or to inflict bodily harm upon an elected official or law</u> 7 <u>enforcement officer, or the immediate family of an elected official or law enforcement</u> 8 <u>officer, is guilty of a Class 5 felony.</u> 9 For the purposes of this section, the term "elected official" means any person
- 9For the purposes of this section, the term "elected official" means any person10holding a statewide office as defined in § 12-27-1, any member of the Legislature, any
- 11 person in local government elective office, any school board member, and any person who
- 12 <u>has been elected or appointed to elective office who has not yet assumed office.</u>
- If a threat constitutes a violation of § 22-11-4 or 22-18-1.1, the provisions of this
 section are superseded, and the penalties provided in § 22-11-4 or 22-18-1.1 apply.

15 Section 2. That § 22-11-15.2 be REPEALED:

16 Any person who, knowingly and intentionally, deposits for conveyance in the mail 17 or for a delivery from any post office or by any messenger any letter, paper, writing, print, 18 or document containing any threat to take the life of or to inflict bodily harm upon a 19 constitutional officer or former constitutional officer of the state, or a member of the 20 constitutional officer's immediate family, or who, knowingly and intentionally, otherwise 21 makes any threat to take the life of or to inflict bodily harm upon a constitutional officer 22 or former constitutional officer or a member of the constitutional officer's immediate family 23 is guilty of a Class 5 felony.

24 Section 3. That § 22-11-15.5 be REPEALED:

77

Any person who, knowingly and intentionally, deposits for conveyance in the mail
 or for a delivery from any post office or by any messenger, any letter, paper, writing,
 print, or document containing any threat to take the life of or to inflict serious bodily harm
 upon a law enforcement officer of the state or a member of the officer's immediate family
 is guilty of a Class 5 felony. However, if any such threat is made which otherwise would
 constitute a violation of § 22-11-4 or 22-18-1.1, the provisions of such sections supersede
 the provisions of this section, and the penalties provided in § 22-11-4 or 22-18-1.1 apply.

8 Section 4. That § 22-11-15.6 be REPEALED:

9 Any person who, knowingly and intentionally, communicates any threat not subject
10 to § 22-11-15.5 to take the life of or to inflict serious bodily harm upon a law enforcement
11 officer of the state or a member of the officer's immediate family, is guilty of a Class 1
12 misdemeanor. However, if any such threat is made which otherwise would constitute a
13 violation of § 22-11-4 or 22-18-1.1, the provisions of such sections supersede the
14 provisions of this section, and the penalties provided in § 22-11-4 or 22-18-1.1 apply.

2