



## 2024 South Dakota Legislature

# House Bill 1104

Introduced by: **Representative Fitzgerald**

1 **An Act to enhance the penalty for accessory to first- or second-degree murder.**

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

3 **Section 1. That § 22-3-5 be AMENDED:**

4 **22-3-5.** A person is an accessory to a crime, if, with intent to hinder, delay, or  
 5 prevent the discovery, detection, apprehension, prosecution, conviction, or punishment of  
 6 another for the commission of a felony, that person renders assistance to the other person.  
 7 There are no accessories to misdemeanors.

8 The term, render assistance, means to:

- 9 (1) Harbor or conceal the other person;
- 10 (2) Warn the other person of impending discovery or apprehension, other than a  
 11 warning given in an effort to bring the other person into compliance with the law;
- 12 (3) Provide the other person with money, transportation, a weapon, a disguise, or any  
 13 other thing to be used in avoiding discovery or apprehension;
- 14 (4) Obstruct anyone by force, intimidation, or deception in the performance of any act  
 15 which might aid in the discovery, detection, apprehension, prosecution, conviction,  
 16 or punishment of the other person; or
- 17 (5) Conceal, destroy, or alter any physical evidence that might aid in the discovery,  
 18 detection, apprehension, prosecution, conviction, or punishment of the other  
 19 person.

20 A violation of this section is a Class 5 felony. A violation of this section is a Class 4  
 21 felony if the person is an accessory to the crime of murder in the first degree pursuant to  
 22 § 22-16-4 or murder in the second degree pursuant to § 22-16-7.