

2024 South Dakota Legislature

Senate Bill 146**AMENDMENT 146E
FOR THE SENATE JUDICIARY ENGROSSED BILL**

1 **An Act to revise and repeal provisions related to threatening elected officers and to**
2 **provide a penalty therefor.**

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

4 **Section 1. That a NEW SECTION be added to chapter 22-11:**

5 It is a ~~Class 5 felony~~ **Class 1 misdemeanor** for a person to knowingly and
6 intentionally communicate any written or electronic threat to take the life of or to inflict
7 serious bodily harm upon an elected officer, or the immediate family of an elected officer.
8 The threat must relate to the elected officer's official capacity.

9 For the purposes of this section, the term "elected officer" means:

10 (1) Any current or former person holding statewide office as defined in § 12-27-1;

11 (2) Any current or former judicial officer as defined in § 22-11-14;

12 (3) Any current or former member of the Legislature;

13 (4) Any current or former person in local government elective office;

14 (5) Any current or former school board member; and

15 (6) Any person who has been elected or appointed to the elective office who has not
16 yet assumed office.

17 **A second or subsequent violation of this section is a Class 6 felony.**

18 If a threat constitutes a violation of § 22-18-1.1 the provisions of this section are
19 superseded and the penalties provided in § 22-18-1.1 apply.

20 **Section 2. That § 22-11-15.2 be REPEALED.**

21 ~~Any person who, knowingly and intentionally, deposits for conveyance in the mail~~
22 ~~or for a delivery from any post office or by any messenger any letter, paper, writing, print,~~
23 ~~or document containing any threat to take the life of or to inflict bodily harm upon a~~
24 ~~constitutional officer or former constitutional officer of the state, or a member of the~~
25 ~~constitutional officer's immediate family, or who, knowingly and intentionally, otherwise~~

- 1 ~~makes any threat to take the life of or to inflict bodily harm upon a constitutional officer~~
- 2 ~~or former constitutional officer or a member of the constitutional officer's immediate family~~
- 3 ~~is guilty of a Class 5 felony.~~

AMENDED