



2024 South Dakota Legislature

Senate Bill 146

HOUSE JUDICIARY ENGROSSED

Introduced by: **Senator Reed**

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 1 misdemeanor for a person to knowingly and intentionally
 6 communicate any written or electronic threat to take the life of or to inflict serious bodily
 7 harm upon an elected officer, or the immediate family of an elected officer. The threat
 8 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 19 superseded and the penalties provided in § 22-18-1.1 apply.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 That § 22-11-15.2 be REPEALED.**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.~~