

2024 South Dakota Legislature

Senate Bill 146**AMENDMENT 146F
FOR THE HOUSE JUDICIARY ENGROSSED BILL**

1 **An Act to revise and repeal provisions related to threatening persons holding**
2 **statewide office, judicial officers, and elected officers and to provide a penalty**
3 **therefor.**

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

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

6 It is a Class 5 felony for a person to knowingly and intentionally communicate any
7 written or electronic threat to take the life of or to inflict serious bodily harm upon:

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

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

10 (3) The immediate family of any current or former judicial officer or person holding
11 statewide office.

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13 superseded and the penalties provided in § 22-18-1.1 apply.

14 **Section 2. That a NEW SECTION be added to chapter 22-11:**

15 It is a Class 1 misdemeanor for a person to knowingly and intentionally
16 communicate any written or electronic threat to take the life of or to inflict serious bodily
17 harm upon an elected officer, or the immediate family of an elected officer. The threat
18 must relate to the elected officer's official capacity.

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

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

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

22 ~~(3)~~(1) Any current or former member of the Legislature;

23 ~~(4)~~(2) Any current or former person in local government elective office;

24 ~~(5)~~(3) Any current or former school board member; and

1 ~~(6)(4)~~ Any person who has been elected or appointed to the elective office who has not
2 yet assumed office.

3 ~~A second or subsequent violation of this section is a Class 6 felony.~~

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5 superseded and the penalties provided in § 22-18-1.1 apply.

6 **Section 3. That § 22-11-15.2 be REPEALED.**

7 ~~Any person who, knowingly and intentionally, deposits for conveyance in the mail~~
8 ~~or for a delivery from any post office or by any messenger any letter, paper, writing, print,~~
9 ~~or document containing any threat to take the life of or to inflict bodily harm upon a~~
10 ~~constitutional officer or former constitutional officer of the state, or a member of the~~
11 ~~constitutional officer's immediate family, or who, knowingly and intentionally, otherwise~~
12 ~~makes any threat to take the life of or to inflict bodily harm upon a constitutional officer~~
13 ~~or former constitutional officer or a member of the constitutional officer's immediate family~~
14 ~~is guilty of a Class 5 felony.~~