



2024 South Dakota Legislature  
**Senate Bill 146**  
**ENROLLED**

AN ACT

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

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

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

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

- (1) Any current or former judicial officer as defined in § 22-11-14;
- (2) Any current or former person holding statewide office as defined in § 12-27-1; or
- (3) The immediate family of any current or former judicial officer or person holding statewide office.

If a threat constitutes a violation of § 22-18-1.1 the provisions of this section are superseded and the penalties provided in § 22-18-1.1 apply.

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

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

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

- (1) Any current or former member of the Legislature;
- (2) Any current or former person in local government elective office;
- (3) Any current or former school board member; and
- (4) Any person who has been elected or appointed to the elective office who has not yet assumed office.

If a threat constitutes a violation of § 22-18-1.1 the provisions of this section are superseded and the penalties provided in § 22-18-1.1 apply.

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 That § 22-11-15.2 be REPEALED.**

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

\_\_\_\_\_  
I certify that the attached Act originated in  
the:  
Senate as Bill No. 146

\_\_\_\_\_  
Received at this Executive Office  
this \_\_\_\_ day of \_\_\_\_\_,  
2024 at \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of the Senate

By \_\_\_\_\_  
for the Governor

\_\_\_\_\_  
President of the Senate

The attached Act is hereby  
approved this \_\_\_\_ day of  
\_\_\_\_\_, A.D., 2024

Attest:

\_\_\_\_\_  
Secretary of the Senate

\_\_\_\_\_  
Governor

**STATE OF SOUTH DAKOTA,**

ss.

Office of the Secretary of State

\_\_\_\_\_  
Speaker of the House

Attest:

Filed \_\_\_\_\_, 2024  
at \_\_\_\_\_ o'clock \_\_ M.

\_\_\_\_\_  
Chief Clerk

\_\_\_\_\_  
Secretary of State

Senate Bill No. 146  
File No. \_\_\_\_\_  
Chapter No. \_\_\_\_\_

By \_\_\_\_\_  
Asst. Secretary of State