

2025 South Dakota Legislature

House Bill 1166**AMENDMENT 1166A
FOR THE INTRODUCED BILL**

1 **An Act to enhance penalties for the violation of right-to-work statutes and to provide**
2 **a penalty therefor.**

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

4 **Section 1. That § 60-8-6 be AMENDED:**

5 ~~Any~~ An individual is guilty of a ~~Class 6 felony~~ **Class 1 misdemeanor** if the individual
6 makes a solicitation or request to join a labor union, organization ~~made by any person, or~~
7 association to ~~any an~~ employee, accompanied by ~~threats a credible threat~~ of injury to the
8 employee or ~~members a member~~ of the employee's family, ~~or damage.~~

9 An individual is guilty of a ~~Class 2~~ **Class 1** misdemeanor if the individual makes a
10 solicitation or request to join a labor union, organization, or association to an employee,
11 accompanied by a credible threat of:

12 (1) Damage to property, ~~of the employee,~~ or ~~loss~~

13 (2) Loss or impairment of present or future employment of the employee, ~~is a Class 2~~
14 misdemeanor.

15 For the purposes of this section, the term "credible threat" means a threat made
16 with the intent and the apparent ability to carry out the threat. A credible threat need not
17 be expressed verbally.

18 **Section 2. That § 60-9-7 be AMENDED:**

19 **60-9-7.** No ~~An~~ officer, agent, or employee of any ~~a public or a private~~ labor union,
20 association, or organization may ~~not~~ enter, without the consent of the owner or ~~operator~~
21 employer, in or upon ~~any ranch, farm, feed yard, shearing plant, or other agricultural~~
22 premise ~~any work premises,~~ for the purpose of ~~collecting:~~

23 (1) Collecting dues, fines, or assessments, ~~or to solicit;~~

24 (2) Soliciting membership in ~~any union, or~~ a labor union, association, or
25 organization;

- 1 ~~(3) Ordering or promote any promoting a strike, or in any other way interfere; or~~
 2 ~~(4) Interfering in any other way with the activities of any a person employed on such~~
 3 ~~premises or assigned to the work premises.~~

4 ~~Violation~~ A violation of this section is a Class 2 misdemeanor.

5 **Section 3. That § 60-10-4 be AMENDED:**

6 **60-10-4.** No person shall picket, aid in the picketing of, or order to be picketed,
 7 the home of any employee ~~or worker on any ranch, farm, feed yard, shearing plant, or~~
 8 ~~other agricultural premise.~~

9 ~~Violation~~ A violation of this section is a Class 2 misdemeanor.

10 **Section 4. That § 60-10-10 be AMENDED:**

11 **60-10-10.** It is a ~~Class 2 misdemeanor~~ Class 6 felony for ~~any a~~ person, ~~singly~~
 12 alone or in concert with others, to interfere or attempt to interfere with another person in
 13 the exercise of ~~his~~ the person's right to work or ~~of his right~~ to enter upon the performance
 14 of any lawful employment or vocation, by the use of force, ~~threatening acts,~~ violence, or
 15 acts of intimidation.

16 **Section 5. That § 60-10-11 be AMENDED:**

17 **60-10-11.** It is a ~~Class 2 misdemeanor~~ Class 6 felony for ~~any a~~ person, alone or
 18 in concert with others, to engage in picketing by force or violence, ~~or.~~

19 It is a Class 2 misdemeanor to picket, alone or in concert with others, ~~in such a~~
 20 manner as to obstruct or interfere with free ingress or egress to and from ~~any a~~ premises,
 21 or to obstruct or interfere with the free use of public streets, sidewalks, or other public
 22 ways.

23 **Section 6. That § 60-10-12 be AMENDED:**

24 **60-10-12.** It is a ~~Class 2 misdemeanor~~ Class 6 felony for ~~any a~~ person ~~or group~~
 25 of persons, employee or employees, or any labor union, association or organization, to
 26 use or engage in, or threaten to use or engage in, violence, or intimidation ~~or unlawful~~
 27 ~~destruction or seizure of property in:~~

28 (1) In connection with a labor dispute or as a means of forcing settlement of a labor
 29 dispute involving ~~any an~~ employer, ~~or in:~~

1 (2) In connection with any an organizational activity of a labor union, organization, or
2 association among the employees of any employer, or for;

3 (3) For the purpose of compelling any a person to join or become a member of a labor
4 union, organization, or association; or

5 (4) As retaliation for not being a member of a labor union, organization, or association.

6 **Section 7. That a NEW SECTION be added to chapter 60-10:**

7 It is a ~~Class 1 misdemeanor~~ Class 6 felony for a person to use or engage in the
8 unlawful destruction or seizure of property:

9 (1) In connection with a labor dispute or as a means of forcing settlement of a labor
10 dispute involving an employer;

11 (2) In connection with an organizational activity of a labor union, organization, or
12 association among the employees of any employer; or

13 (3) For the purpose of compelling a person to join or become a member of a labor
14 union, organization, or association.

15 **Section 8. That § 60-9-8 be REPEALED.**

16 ~~No person may solicit or accept any money, or other thing of value, for services~~
17 ~~rendered, claimed to have been rendered, or promised, to any employer of the class~~
18 ~~mentioned in § 60-9-7, by reason of the labor union connection or association of the~~
19 ~~person. Violation of this section is a Class 2 misdemeanor.~~