



2026 South Dakota Legislature

House Bill 1083

Introduced by: The Committee on Judiciary at the request of the Governor

- 1 **An Act to revise certain provisions related to stalking, establish the crime of felony**
- 2 **stalking of a public official, and provide a penalty therefor.**

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

4 **Section 1. That § 22-19A-1 be AMENDED:**

5 **22-19A-1.** No person may:

- 6 (1) Willfully, maliciously, and repeatedly follow or harass another person;
- 7 (2) Make a credible threat to another person with the intent to place that person in
- 8 reasonable fear of death or great bodily injury;~~or~~
- 9 (3) Willfully, maliciously, and repeatedly harass another person by means of any
- 10 verbal, electronic, digital media, mechanical, telegraphic, or written
- 11 communication; or
- 12 (4) Knowingly disseminate, post, or publish, by electronic means, another person's
- 13 employment, home, or school address or location, or identifying information, as
- 14 defined by § 22-40-9, without the other person's consent, and with the intent to
- 15 intimidate, harass, or cause substantial emotional distress to the other person or
- 16 the other person's immediate family, as defined by § 22-1-2.

17 A violation of this section constitutes the crime of stalking. Stalking is a Class 1
18 misdemeanor. ~~However, any~~ Any second or subsequent conviction occurring within ten
19 years of a prior conviction under this section is a Class 6 felony. Any conviction for, or
20 plea of guilty to, an offense in another state which, if committed in this state, would be a
21 violation of this section and occurring within ten years prior to the date of the violation
22 being charged, ~~shall~~ must be used to determine if the violation being charged is a second
23 or subsequent offense.

24 **Section 2. That § 22-19A-7 be AMENDED:**

1 **22-19A-7.** Any person who willfully, maliciously, and repeatedly follows or
2 harasses a child twelve years of age or younger, or who makes a credible threat to a child
3 twelve years of age or younger, with the intent to place ~~that the~~ the child in reasonable fear
4 of death or great bodily injury, or with the intent to cause the child to reasonably fear for
5 the child's safety, is guilty of the crime of felony stalking. ~~Felonious of a child. Felony~~
6 stalking of a child is a Class 6 felony.

7 **Section 3. That a NEW SECTION be added to chapter 22-19A:**

8 Any person who violates § 22-19A-1 against a public official, with the intent to
9 place the public official in reasonable fear of death or great bodily injury, or with the intent
10 to cause the public official to reasonably fear for the public official's safety, is guilty of the
11 crime of felony stalking of a public official. Felony stalking of a public official is a Class 6
12 felony.

13 For the purposes of this section, "public official" means:

- 14 (1) An elected official holding statewide office;
15 (2) A federal or state legislator;
16 (3) A federal or state judge or justice; or
17 (4) A law enforcement officer as defined in § 22-1-2.