

2026 South Dakota Legislature

House Bill 1066**AMENDMENT 1066A
FOR THE INTRODUCED BILL**

1 **An Act to revise a provision related to theft by a contractor, subcontractor, or**
2 **supplier.**

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

4 **Section 1. That § 44-9-13 be AMENDED:**

5 **44-9-13.** Any contractor, subcontractor, or supplier on any improvement of real
6 estate, ~~mines, or public utilities~~ within the purview of this chapter who ~~knowingly uses~~
7 ~~more than five hundred dollars of the proceeds of any payment made to him on account~~
8 ~~of such improvement by the owner of such real estate or person having the improvement~~
9 ~~made, having received or been entrusted with the property of another for the purpose of~~
10 ~~improvement of real estate, and with the intent to defraud,~~ appropriates that property by
11 deception, as described in § 22-30A-3, for any other purpose other than the payment for
12 labor, skill, or materials, ~~and machinery contributed to such improvement while any~~
13 ~~account for such labor, skill, material, or machinery furnished for such improvement up~~
14 ~~to the time of such payment remains unpaid and due and owing under the credit terms~~
15 ~~arranged, for improvement of the real estate for which it was received,~~ is guilty of theft
16 of the proceeds of such payment. It is not a violation of this section to withhold funds from
17 a contractor, subcontractor, or supplier pending the completion and final approval of his
18 work or product. Any person guilty of theft pursuant to this section is subject to the
19 penalties under § 22-30A-17.