

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.