

2020 South Dakota Legislature

House Bill 1068**AMENDMENT 1068A FOR THE INTRODUCED BILL**

1 **An Act to include out-of-state convictions for the basis of an enhanced penalty for**
2 **the crime of stalking.**

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. Stalking--Violation as misdemeanor--Second or subsequent**
6 **offense a felony.**

7 No person may:

- 8 (1) Willfully, maliciously, and repeatedly follow or harass another person;
9 (2) Make a credible threat to another person with the intent to place that person in
10 reasonable fear of death or great bodily injury; or
11 (3) Willfully, maliciously, and repeatedly harass another person by means of any verbal,
12 electronic, digital media, mechanical, telegraphic, or written communication.

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

20 **Section 2.** That § 22-19A-3 be AMENDED:

21 **22-19A-3. Stalking--Subsequent convictions--Violation as felony.**

22 A person who ~~commits~~ has a second or subsequent conviction occurring within
23 seven years of a prior conviction under § 22-19A-1, 22-19A-2, or 22-19A-7 against the
24 same victim, and involving an act of violence, or a credible threat of violence, is guilty of

1 a Class 5 felony. Any conviction for, or plea of guilty to, an offense in another state which,
2 if committed in this state, would be ~~eligible for an enhancement under this section a~~
3 violation of § 22-19A-1, 22-19A-2, or 22-19A-7 and involving an act of violence, or a
4 credible threat of violence, and occurring within seven years prior to the date of the
5 violation being charged, shall be used to determine if the violation being charged is a
6 second or subsequent offense.