



2020 South Dakota Legislature
House Bill 1068
ENROLLED

AN ACT

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

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

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

22-19A-1. Stalking--Violation as misdemeanor--Second or subsequent offense a felony.

No person may:

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

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

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

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

A person who has a second or subsequent conviction occurring within seven years of a prior conviction under § 22-19A-1, 22-19A-2, or 22-19A-7 against the same victim, and involving an act of violence, or a credible threat of violence, is guilty of a Class 5 felony. Any conviction for, or plea of guilty to, an offense in another state which, if

committed in this state, would be a violation of § 22-19A-1, 22-19A-2, or 22-19A-7 and involving an act of violence, or a credible threat of violence, and occurring within seven years prior to the date of the violation being charged, shall be used to determine if the violation being charged is a second or subsequent offense.

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

I certify that the attached Act originated in the:
House as Bill No. 1068

Chief Clerk

Speaker of the House

Attest:

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1068
File No. _____
Chapter No. _____

Received at this Executive Office
this ____ day of _____,
2020 at _____ M.

By _____
for the Governor

The attached Act is hereby
approved this _____ day of
_____, A.D., 2020

Governor

STATE OF SOUTH DAKOTA,

ss.

Office of the Secretary of State

Filed _____, 2020
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State